

**CODIFIED ORDINANCES OF BROOKLYN**  
**PART FIFTEEN - FIRE PREVENTION CODE**

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**CODIFIED ORDINANCES OF BROOKLYN**  
**PART FIFTEEN - FIRE PREVENTION CODE**

**CHAPTER 1501**  
**Administration**

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**CROSS REFERENCES**  
Ohio Fire Code provisions - see OAC Ch. 1301:7-1

**1501.01 DEFINITIONS.**

As used in this Part Fifteen - Fire Prevention Code, certain terms are defined as follows:

- (a) AMunicipality@ means the City of Brooklyn.
- (b) ABureau of Fire Prevention@ or AFire Division@ means the Fire Division of the City.
- (c) AChief of the Bureau of Fire Prevention@ or AFire Chief@ means the Chief of the Fire Division of the City.
- (d) ANationally recognized good practice@ means the limitations and conditions set forth in the National Fire Codes of the National Fire Protection Association or in the standards and publications listed in Appendix A of the Ohio Fire Code.  
(Ord. 1969-5. Passed 2-10-69.)
- (e) ANFPA@ means National Fire Protection Association.

**1501.02 CONFLICT; NATIONAL FIRE CODE STANDARDS.**

(a) In case of conflict between any Municipal ordinance and the Ohio Fire Code or any other technical code, the Municipal ordinance shall govern. In all other cases of conflict, the more restrictive provision shall govern.

(b) Where the Ohio Fire Code is silent and no ordinance has been enacted, the recommended good practices in the National Fire Codes of the National Fire Protection Association shall be complied with.

(Ord. 1969-5. Passed 2-10-69.)

**1501.03 APPLICATION.**

All provisions of this Part Fifteen - Fire Prevention Code shall have full force and effect for all new, present and remodeled structures within the City of Brooklyn.

(Ord. 1969-5. Passed 2-10-69.)

**1501.04 FIRE PREVENTION DUTIES.**

(a) Fire prevention shall be the responsibility and under the supervision of the Fire Chief of the Fire Division, under the direction and control of the Director of Public Safety.

(b) It shall be the duty of the Fire Division to enforce all laws and ordinances covering the following:

- (1) The prevention of fires;
- (2) The storage and use of explosives and flammables;
- (3) The installation and maintenance of automatic and other private fire alarm systems and fire extinguishing equipment;
- (4) The maintenance and regulation of fire escapes;
- (5) The maintenance of protection and elimination of hazards in buildings and structures, including those under construction;
- (6) The means and adequacy of exit in case of fire from all places in which persons work, live or congregate for any purpose from time to time, including but not limited to, factories, schools, hotels, lodging houses, nursing and rest homes, hospitals, churches, halls, theaters and amphitheaters;
- (7) The investigation of the cause, origin and circumstances of fires;  
(Ord. 1969-5. Passed 2-10-69.)
- (8) Inspect and issue written permits for the installation of, the making of major repairs on site to, abandonment of and removal of underground storage tanks, as that term is defined in Rules Section 1301:7-7-02 of the Ohio Administrative Code, within the City of Brooklyn Fire Department=s jurisdictional area. (Ord. 1994-103. Passed 11-14-94.)

The Fire Division shall have such powers and perform such other duties as are set forth in other sections of this Part Fifteen - Fire Prevention Code and other ordinances, and as may be conferred and imposed from time to time by law.

This designation of duty shall not relieve any other department, officer or employee of the City of any power or duty conferred upon it or him by law or ordinance.

(c) The Fire Chief, other officer or fireman designated by the Chief, may at all reasonable hours, enter any building, premises or vehicle within his jurisdiction for the purpose of examining the same as authorized by the statutes of Ohio.

(d) The Fire Chief may make or cause to be made an inspection of the contents and the working conditions of any fire extinguisher or fire extinguishing system.

(e) The Fire Division shall survey each commercial and industrial establishment, mercantile, educational and institutional occupancy, place of assembly, hotel, multi-family house and such other buildings or dwellings within the City, and shall specify suitable fire detecting devices or extinguishing appliances which shall be provided in or near boiler rooms, kitchens or restaurants, clubs and like establishments, storage rooms involving considerable combustible material, rooms in which hazardous manufacturing processes are involved, repair garages, and other places of generally hazardous nature.

Such devices or appliances may consist of automatic fire alarm systems, automatic sprinkler or water spray systems, standpipe and hose, fixed or portable fire extinguishers of a type suitable for the probable class of fire, or suitable asbestos or approved fire blankets, manual or automatic covers, or other special fire extinguishing systems. In special hazardous processes or storage, appliances of more than one type or special system may be required.  
(Ord. 1969-5. Passed 2-10-69.)

#### **1501.05 BUREAU OF FIRE SAFETY INSPECTOR/MEDICAL OFFICER.**

There is hereby created in the Division of Fire, the Bureau of Fire Safety Inspector/Medical Officer. Members assigned to this Bureau must successfully complete the training program established by the Ohio R.C. 3303.07 and also maintain their EMT-Paramedic classification to AState@ and AMedical Control@ standards.  
(Ord. 1997-106. Passed 12-15-97.)

#### **1501.06 FIRE SAFETY WATCH.**

(a) A classified member of the Brooklyn Fire Department shall be on duty at all events in facilities that have a capacity or potential capacity of 400 people or more.

(b) A classified member of the Brooklyn Fire Department shall be on duty one-half hour before the commencement of the event and shall maintain a fire safety watch until the general public has exited the facility at the completion of the event.

(c) The fire safety watch shall be assigned by the Chief of the Division of Fire.

(d) The pay for the fire safety watch shall be consistent with the current hourly rate of a Grade A Firefighter.  
(Ord. 2000-67. Passed 9-11-00.)

**1501.07 OBSTRUCTING MEMBER OF FIRE DIVISION.**

No person shall hinder, resist or obstruct the Chief of the Fire Division or any member in the discharge of any of the duties imposed upon them by any City ordinance.  
(Ord. 1969-5. Passed 2-10-69.)

**1501.08 MODIFICATIONS.**

The Safety Director or his designated appointee shall have the power to modify any provision of this Part Fifteen - Fire Prevention Code upon application in writing by the owner, lessee or his duly authorized agent when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public safety secured, and substantial justice done. The particulars of such modification, when granted or allowed, and the decision shall be noted upon the records of the Department and a signed copy shall be furnished the applicant.  
(Ord. 1969-5. Passed 2-10-69.)

**1501.09 APPEALS.**

Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of this Part Fifteen - Fire Prevention Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision to the Safety Director, within thirty days from the date of the decision appealed. If the Safety Director refuses to overrule the Chief, the applicant may appeal to Council within sixty days from the date of the decision appealed.  
(Ord. 1969-5. Passed 2-10-69.)

**1501.10 NEW MATERIALS, PROCESSES OR OCCUPANCIES.**

The Mayor, Director of Public Safety and Director of Public Service shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in this Part Fifteen - Fire Prevention Code. The Fire Chief shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.  
(Ord. 1969-5. Passed 2-10-69.)

**1501.11 PERMIT ISSUANCE, APPLICATION, REVOCATION, FEES.**

(a) Any company, corporation, partnership or individual person which stores, handles or uses hazardous substances, materials or devices, or whose use or occupancy of buildings or premises may present conditions hazardous to life or property shall obtain from the City a permit as hereinafter required.  
(Ord. 1981-6. Passed 1-26-81.)

- (b) (1) Before a permit may be issued the receptacles, vehicles, buildings or storage places to be used shall be inspected by the Bureau of Fire Prevention of the Fire Department of the City of Brooklyn.
- (2) A permit shall constitute permission to maintain, store or handle materials, or to conduct processes, which produce conditions hazardous to life or property, or to install equipment used in connection with such activities.

- (3) All applications for information and reports or permit required hereby shall be made to the Fire Chief in such form and detail as he may prescribe. Permits shall at all times be kept on the premises designated by the applicant.
- (4) A permit must be obtained from the City prior to the removal of underground tanks used for the storage of Class I or Class II petroleum products.  
(Ord. 1989-17. Passed 6-12-89.)

(c) A permit may be revoked if any violation of ordinance, statute or other law is found upon inspection, or in case there has been any false statement or misrepresentation as to a material fact in the application on which the permit or approval was based.  
(Ord. 1981-6. Passed 1-26-81.)

(d) No approval of an application shall be made without the payment of the fees and adherence to instructions hereinafter set forth:

- (1) General.
  - A. Permit applications must be typewritten in black ink only.
  - B. Permit applications must be received at least thirty days prior to commencement of work.
  - C. Our fire inspector will schedule inspections. He must be notified at least 24 hours in advance of any work cancellation involving a fire inspector.
  - D. Make check/money order payable to the City of Brooklyn. Do not send cash.
  - E. Faxed permit applications will not be accepted.
  - F. Permit expires six months from date of issue. Fee is nonrefundable.
  - G. Please allow ten working days to process your submitted permit application.
- (2) Reports.

For an ambulance report	\$6.00
For a fire report	6.00
For a photograph	15.00
For a video tape	50.00
- (3) For the installation of underground liquefied propane gas tanks, in other than residential areas:

From 40 to 2000 (gallons)	\$50.00
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There shall be an additional charge of \$15.00 for each 1000 gallons or part thereof over 2000 gallons.  
No tank shall exceed 10,000 gallons.
- (4) For the installation of storage tanks for Class I or Class II petroleum products:  
There shall be no above ground storage tanks for Class I or Class II petroleum products.  
No underground storage tank shall exceed 10,000 gallons.

Fees

Removal/Abandonment total system *	\$100.00 per system
Removal tanks only	100.00 per tank
Removal piping only	100.00 per facility
Installation total system *	75.00 per system
Installation tanks only	75.00 per tank
Installation piping only	25.00 per facility
Replacement total system *	175.00 per system
Replacement tanks only	175.00 per tank
Replacement piping only	125.00 per facility
Repairs tanks only	50.00 per tank
Repairs piping only	25.00 per facility
Upgrade total system *	75.00 per system
Upgrade tanks only	75.00 per tank
Upgrade piping only	25.00 per facility
Upgrade leak detection	25.00 per facility
Change in service/temporary closure	100.00 per system

\* Total system includes tank, piping, spill and overfill and leak detection.

NOTE: There may be other local, regional or state regulations that affect UST systems installations or operations. The Ohio Environmental Protection Agency (Ohio EPA) has specific air pollution requirements for USTs. For information, contact the nearest Ohio EPA District Office, Air Pollution Permitting Section.

Description of Work

Complete the enclosed Description of Work Checklist and submit it along with the Application for Underground Storage Tank Permit Form.

Site Map

Site maps need only be provided to the bureau upon request.

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| (5) | Permit for the installation of fire protection system | \$50.00 |
| (6) | Permit for blasting operations                        | 50.00   |
|     | Plus inspector=s current rate per hour.               |         |

(Ord. 1994-24. Passed 4-25-94.)



**1501.12 SEALING OFF REFUSE BURNING EQUIPMENT.**

(a) Definitions. As used in this section, certain terms are defined as follows:

- (1) ARefuse burning equipment@ means any incinerator, equipment, device or contrivance used for the destruction of garbage or other combustible wastes by burning, and all appurtenances thereto.
- (2) ARingelmann Chart@ means the Chart published and described in the U.S. Bureau of Mines Information Circular 8333, and on which are illustrated graduated shades of grey to black for use in estimating the light obscuration capacity of smoke.

(b) Any refuse burning equipment may be immediately shut down by the Fire Chief for improper operation, malfunction of any part of the refuse burning equipment, poor maintenance, deterioration of any part of such equipment, or if it causes noisome, offensive or noxious odors, vapors, gases or if it discharges into the atmosphere sparks, flyash, or powdered residue of the substance which has been burned, upon written notice to the owner, operator or person in charge of the refuse burning equipment. The seal may be any device, tag or marking installed or fixed by the Fire Chief or his designee so as to prevent the use of the equipment.

(c) It shall be prima-facie evidence of unlawful emissions when odors, vapors, gases, sparks, flyash or powdered residue shall be deemed objectionable by three or more of the people exposed thereto in the usual places of occupancy; or if the smoke emitted from the equipment is of a shade of density darker than that designated as a No. 1 on the Ringelmann Chart.

(d) The refuse burning equipment so sealed or shut off shall not be used again until inspection, repairs, modifications, cleaning and replacement have been performed and the unit has been reinspected and approved by the Fire Division.  
(Ord. 1970-25. Passed 11-9-70.)

**1501.99 PENALTY.**

(a) Except where another penalty is otherwise provided for, whoever violates any provision of this Part Fifteen - Fire Prevention Code or any lawful order promulgated thereunder or any code adopted therein, or fails to comply with any such provision or lawful order issued pursuant thereto, is guilty of a misdemeanor of the first degree for each offense, and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. Each day during which noncompliance or a violation continues shall constitute a separate offense.

As provided by Ohio R.C. 2901.23 and 2929.31, organizations convicted of an offense shall be fined not more than five thousand dollars (\$5,000) for a misdemeanor of the first degree.

(b) In addition to the penalty provided herein, the Fire Chief may suspend or revoke any permit or license issued under the provisions of this Part Fifteen - Fire Prevention Code.



## CHAPTER 1503 Ohio Fire Code

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| <p><b>1503.01 Adoption.</b></p> <p><b>1503.02 Purpose.</b></p> <p><b>1503.03 Application.</b></p> <p><b>1503.04 Enforcement.</b></p> <p><b>1503.05 Compliance.</b></p> <p><b>1503.06 Posting arson laws.</b></p> <p><b>1503.07 Setting fires which spread.</b></p> <p><b>1503.08 Unfriendly fires in buildings; alarm duties.</b></p> | <p><b>1503.09 Disclosure of true Fire Safety Inspector status.</b></p> <p><b>1503.10 Fire equipment sale or use; certification of installers.</b></p> <p><b>1503.11 Copies.</b></p> <p><b>1503.12 Conflict.</b></p> <p><b>1503.99 Penalty.</b></p> |
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### CROSS REFERENCES

See sectional histories for similar State law

Appeals of orders - see Ohio R.C. 119.12

State certification of firefighters - see Ohio R.C. 737.08, 737.22, 3737.33

State certification of Fire Safety Inspectors - see Ohio R.C. 3737.01(C), 3737.34

Fire investigation - see Ohio R.C. 737.27, 3737.24 et seq.

Entry and Inspection - see Ohio R.C. 737.34 et seq., 3737.14, 3737.41, 3737.42

Common Pleas Court jurisdiction - see Ohio R.C. 3737.44(A), 3737.51(H)

Ohio Fire Code - see Ohio R.C. 3737.82 et seq.; OAC Ch. 1301:7-1 et seq.

Fire extinguishing and alarm systems in rest and nursing homes - see Ohio R.C. 3721.071

Self-service filling stations - see Ohio R.C. 3741.14

Fireworks exhibitions - see Ohio R.C. 3743.50 et seq.

**1503.01 ADOPTION.**

There is hereby adopted by the Municipality, the 2000 Ohio Fire Code (OFC) as adopted by the Ohio Division of State Fire Marshal, Department of Commerce, effective January 3, 2000, and as published in Division 1301:7 of the Ohio Administrative Code (OAC).

**1503.02 PURPOSE.**

The purpose of the Ohio Fire Code as adopted herein is to prescribe minimum standards and regulations governing conditions hazardous to life and property from fire or explosion.

**1503.03 APPLICATION.**

The Ohio Fire Code as adopted herein applies to the use of all lands and properties within the Municipality and such other lands or properties owned by the Municipality which are situated outside the corporate limits thereof.

**1503.04 ENFORCEMENT.**

(a) No person shall serve as Municipal Fire Safety Inspector unless he has received a certificate issued by the Ohio Superintendent of Public Instruction under former Ohio R.C. 3303.07 or 4765.55 evidencing his satisfactory completion of a fire safety inspection training program.  
(ORC 3737.34)

(b) For Municipal criminal proceedings, the complaint, warrant or summons, or the issuance of a citation in minor misdemeanor cases shall be, as is prescribed in the Ohio Rules of Criminal Procedure, by referencing the numerical designation of the applicable Municipal ordinance, including the specific provision of the Ohio Fire Code, or any order issued pursuant thereto, provided such order fixes a reasonable time for abatement of the violation. State enforcement proceedings for violation of Ohio R.C. Chapter 3737 or the Ohio Fire Code shall be as is prescribed in Ohio R.C. 3737.41 to 3737.46.

(c) A copy of such complaint or citation shall be prominently posted at or near each place a violation referred to occurs.

(d) Upon request of the Municipal Fire Safety Inspector, the Municipal Legal Officer shall institute and prosecute any necessary action or proceeding to enforce this chapter or Ohio R.C. Chapter 3737.

**1503.05 COMPLIANCE.**

(a) No person shall knowingly violate any provision of the Ohio Fire Code as adopted herein or any order issued pursuant thereto.  
(ORC 3737.51(A))

(b) No person shall fail to comply with the fire prevention measures or fire protection activities as prescribed in the Ohio Fire Code, or fail to obtain a permit or license for the various uses or activities as required by such Code, or fail to comply with the Municipal application and plan submission and processing requirements including payment of the fees designated therefor.

**1503.06 POSTING ARSON LAWS.**

The owner, operator or lessee of any transient residential building shall post the provisions of Ohio R.C. 2909.02 and 2909.03 in a conspicuous place in each room occupied by guests in such building. The owner, operator or lessee of any nontransient residential building, institution, school or place of assembly shall post the provisions of such sections in conspicuous places upon such premises. No person shall fail to comply with this section. (ORC 3737.61)

**1503.07 SETTING FIRES WHICH SPREAD.**

No person shall set, kindle or cause to be set or kindled any fire, which through his negligence, spreads beyond its immediate confines to any structure, field or wood lot. (ORC 3737.62)

**1503.08 UNFRIENDLY FIRES IN BUILDING; ALARM DUTIES.**

(a) The owner, operator or lessee, an employee of any owner, operator or lessee, an occupant, and any person in direct control of any building regulated under the Ohio Basic Building Code, upon the discovery of an unfriendly fire, or upon receiving information that there is an unfriendly fire on the premises, shall immediately, and with all reasonable dispatch and diligence, call or otherwise notify the Fire Department concerning the fire, and shall spread an alarm immediately to all occupants of the building.

(b) For the purposes of this section, "unfriendly fire" means a fire of a destructive nature as distinguished from a controlled fire intended for a beneficial purpose.

(c) No person shall fail to comply with this section. (ORC 3737.63)

**1503.09 DISCLOSURE OF TRUE FIRE SAFETY INSPECTOR STATUS.**

No person who is not a certified Fire Safety Inspector shall act as such or hold himself out to be such, unless prior to commencing any inspection function, he discloses the purpose for which he is making such inspection and the fact that he is not employed by any state or local fire service or agency, and that he is not acting in an official capacity for any governmental subdivision or agency. (ORC 3737.64)

**1503.10 FIRE EQUIPMENT SALE OR USE; CERTIFICATION OF INSTALLERS.**

(a) No person shall sell, offer for sale, or use any fire protection or fire fighting equipment that does not meet the minimum standards established by the Ohio Fire Marshal in the Ohio Fire Code.

(b) Except for public and private mobile fire trucks, no person shall service, test, repair or install for profit any fire protection or fire fighting equipment without a certificate issued by the Ohio Fire Marshal. (ORC 3737.65)

**1503.11 COPIES.**

Copies of Codes as adopted in this chapter are on file with the Council Clerk for inspection by the public, and also on file in the County Law Library, and the Clerk has copies available for distribution to the public at cost.

**1503.12 CONFLICT.**

(a) The rules of the Ohio Board of Building Standards including the Ohio Basic Building Code shall supersede and govern any order, standard or rule of the Department of Commerce, Division of State Fire Marshal including the Ohio Fire Code, in all cases where such orders, standards or rules are in conflict with such rules or the Ohio Basic Building Code, except that rules adopted and orders issued by the State Fire Marshal pursuant to Ohio R.C. Chapter 3743 entitled "Fireworks" prevail in the event of conflict. (OAC 4101:2-1-04(B))

(b) In all other cases of conflict between the Ohio Fire Code and any other Municipal ordinance or technical code adopted thereby, the more restrictive provision shall govern.

**1503.99 PENALTY.**

(a) Criminal Penalties.

- (1) Whoever violates Section 1503.05(a) is guilty of a misdemeanor of the first degree. (ORC 3737.99(B))
- (2) Whoever violates Sections 1503.05(b) or 1503.06 is guilty of a minor misdemeanor. (ORC 3737.99(C))
- (3) Whoever violates Sections 1503.07 or 1503.09 is guilty of a misdemeanor of the fourth degree. (ORC 3737.99(D))
- (4) Whoever violates Sections 1503.08 or 1503.10 is guilty of a misdemeanor of the third degree. (ORC 3737.99(E))

(b) Civil Penalties.

- (1) Any person who has received a citation for a serious violation of the Ohio Fire Code or any order issued pursuant to it, shall be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each such violation.
- (2) Any person who has received a citation for a violation of the Ohio Fire Code or any order issued pursuant to it, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each such violation.
- (3) Any person who fails to correct a violation for which a citation has been issued within a period permitted for its correction, may be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each day during which such failure or violation continues.
- (4) Any person who violates any of the posting requirements, as prescribed by Section 1503.04(c), shall be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each violation.
- (5) Due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the good faith of the person being charged, and the history of the previous violations shall be given whenever a penalty is assessed under this chapter.

- (6) For purposes of this section, a serious violation shall be considered to exist if there is a substantial probability that an occurrence causing death or serious physical harm to persons could result from a condition which exists, or from one or more practices, means, methods, operations or processes which have been adopted or are in use, unless the person did not and could not with the exercise of reasonable diligence, know of the presence of the violation.
- (7) Civil penalties imposed by this chapter shall be paid to the Municipal Chief Fiscal Officer for deposit into the General Revenue Fund. Such penalties may be recovered in a civil action in the name of the Municipality brought in the Court of Common Pleas.  
(ORC 3737.51(B) to (H))





**CHAPTER 1505**  
**General Precautions Against Fire**

<b>1505.01</b>	<b>Obstructing hydrants.</b>	<b>1505.09</b>	<b>Electrical equipment sales.</b>
<b>1505.02</b>	<b>Fire lines.</b>	<b>1505.10</b>	<b>Fired premises a nuisance.</b>
<b>1505.03</b>	<b>Accumulations of waste materials.</b>	<b>1505.11</b>	<b>Causing fire through negligence in places of assembly.</b>
<b>1505.04</b>	<b>Flammable decorative materials in mercantile and institutional occupancies.</b>	<b>1505.12</b>	<b>Outdoor cooking.</b>
<b>1505.05</b>	<b>Christmas decorations.</b>	<b>1505.13</b>	<b>Smoking in retail stores, theaters, etc.</b>
<b>1505.06</b>	<b>Fire drills in educational occupancies.</b>	<b>1505.14</b>	<b>Smoking prohibited in Municipal buildings.</b>
<b>1505.07</b>	<b>Floor numbers.</b>		
<b>1505.08</b>	<b>Fire extinguishers.</b>		

**CROSS REFERENCES**  
Ohio Fire Code provisions - see OAC 1301: 7-7-03

**1505.01 OBSTRUCTING HYDRANTS.**

No person shall in any manner injure or obstruct the use of any fire hydrant or any part thereof within the City, and no person shall place or cause to be placed any material in front thereof, from the curb line to the center of the street, nor within five feet either side thereof.  
(Ord. 1969-5. Passed 2-10-69.)

**1505.02 FIRE LINES.**

(a) The Fire Chief or any of his assistants having charge of any fire shall have the authority to establish fire lines about such fire whenever in their opinion it becomes necessary to do so for the purpose of facilitating the extinguishing of such fire.

(b) Whenever fire lines have been established about any fire, no person, except an owner, lessee or another having property right or interest in the burning property, or other property imperiled thereby, shall enter limits fixed by such lines.

(c) Nothing herein contained shall exclude, from the limits of any fire lines established, any member of the Division of Fire or Police, or any person who has obtained permission from the Fire Chief or one of his assistants to so enter.  
(Ord. 1969-5. Passed 2-10-69.)

**1505.03 ACCUMULATIONS OF WASTE MATERIALS.**

(a) Roofs, courts, yards, vacant lots and open spaces, shall be kept free and clear of deposits or accumulations of waste paper, hay, grass, straw, weeds, litter or combustible waste or rubbish of any kind. All weeds, grass, vines or other growth, when such endangers property, or is liable to be fired, shall be cut down and removed by the owner or occupant of the property.

(b) No person making, using, storing or having charge or control of any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible trash, waste or fragments, shall fail, neglect or refuse at the close of each day to cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal or metal lined covered receptacles or bins. The Fire Chief shall require suitable baling presses to be installed in stores, apartment buildings and similar places where accumulations of paper and waste materials are not removed at least every second day.

(c) In all multiple-family homes and apartments where individual furnace rooms are maintained, the storage of any materials, whether combustible or otherwise, shall not be permitted. (Ord. 1969-5. Passed 2-10-69.)

**1505.04 FLAMMABLE DECORATIVE MATERIALS IN MERCANTILE AND INSTITUTIONAL OCCUPANCIES.**

(a) Highly flammable materials such as cotton batting, straw, dry vines, leaves, trees, artificial flowers or shrubbery and foam plastic materials shall not be used for decorative purposes in show windows or other parts of mercantile and institutional occupancies unless first rendered flameproofed in an approved manner. Electric light bulbs in mercantile and institutional occupancies shall not be decorated with paper or other combustible materials unless such materials shall first have been rendered flameproofed.

- (b)
- (1) Decorative materials displayed in commercial buildings, schools, churches, apartment lobbies or public buildings shall not be decorated with lights. Indirect lighting may be used.
  - (2) Decorative materials shall not be placed in a position where they will block doors, exits, or passageways.
  - (3) Indirect lights shall not be placed near combustible materials.
  - (4) All decorative materials shall be fire resistant.
  - (5) Flexible cords for any electrical outlets or displays shall not be spliced, tacked, stapled or fastened to woodwork or walls, nor tied to or draped over pipes or other supports.
- (Ord. 1969-5. Passed 2-10-69.)

**1505.05 CHRISTMAS DECORATIONS.**

(a) Christmas decorations shall be permitted in public places under the following conditions:

- (1) Heights of the tree shall not exceed ten feet without special permission of the Fire Chief.

- (2) No trees will be permitted in passageways, or near places of egress of public buildings such as theatres, churches, assembly halls, department stores, schools, hospitals, hotels and office buildings.
- (3) No electric lights or electric wiring shall be permitted on or under trees. Lighting shall be indirect. No trimming shall be used, except that which has been flameproofed to meet the requirements of the law.
- (4) No candles or open flames shall be permitted on or near the trees.
- (5) Artificial trees, wreaths, streamers and other decorations to be used for decorative purposes shall be flameproofed.  
(Ord. 1969-5. Passed 2-10-69.)

#### **1505.06 FIRE DRILLS IN EDUCATIONAL OCCUPANCIES.**

Fire drills shall be held at least once a month in educational occupancies where such occupancies constitute the major occupancy of a building. During severe weather, fire drills may be postponed. A total of ten fire drills shall be conducted during a complete school year from September through June. A record of all fire drills shall be kept and persons in charge of such occupancies shall file a written report at least semi-annually during the months of December and June with the Fire Division giving the time and date of each drill held.  
(Ord. 1969-5. Passed 2-10-69.)

#### **1505.07 FLOOR NUMBERS.**

Each apartment or commercial building over two stories in height shall have the respective floor numbers installed on the hallway exit doors on the stairway side.  
(Ord. 1969-5. Passed 2-10-69.)

#### **1505.08 FIRE EXTINGUISHERS.**

(a) Approval Required Prior to Sale or Delivery. No person, directly or through an agent, shall sell or offer for sale in the City any make, type or model of extinguisher either new or used, unless such make, type or model of extinguisher has been first tested and is approved and labeled by the Factory Mutual Laboratories, or Underwriters Laboratories, Inc., or other testing laboratory approved by the Fire Chief as providing adequate and reliable tests and examination. No person, directly or through an agent, shall deliver or make available for use in the City, any make, type or model of extinguisher which is not first tested and/or serviced as required in the standards of the National Fire Protection Association entitled "Standard for the Installation, Maintenance and Use of Portable Fire Extinguishers" (NFPA No. 10 and 10A).

(b) Vaporizing Extinguisher Prohibited Except on Motor Carrier. No person, directly or through an agent, shall sell or offer for sale in the City, any make, type or model of vaporizing liquid fire extinguisher, whether laboratory approved or not, except for use on a motor carrier as authorized by laws of Ohio or the United States relating to motor carriers.

(c) Fire Extinguishers and Servicing; Definitions. "Standard fire extinguisher" means a portable fire extinguisher which bears the label of a national testing laboratory acceptable to the Fire Chief. "Service man" means a person qualified and trained in the proper inspection, repair, recharge or test of fire extinguishers. "Service", where used in reference to fire extinguishers, means the inspection, repair, recharging or testing of fire extinguishers.

(d) Maintenance Test. Extinguishers shall be inspected annually, shall be recharged as specified by NFPA. Every fire extinguisher when installed, shall be fully charged and ready for immediate use. Where an extinguisher is likely to be obscured by piles of stock, lumber or otherwise, a sign shall be installed and maintained which will mark the location of such extinguishers in a manner legible at a distance of at least fifty feet. All extinguishers shall be maintained in good condition and ready for immediate use at all times. Every fire extinguisher shall be subjected to a hydrostatic pressure test five years after the date of manufacture and every five years thereafter as prescribed by NFPA. If the date of manufacture, or the date of the last pressure test shall not be readily available, a pressure test shall be made at a time prescribed by the Fire Chief and subsequent pressure tests shall be made every five years thereafter.

(e) Inspection and Test Tags. Every fire extinguisher shall have attached thereto a tag which clearly indicates the dates of inspection and recharging, and the signature of the service man. Every such fire extinguisher which has passed the hydrostatic pressure test as prescribed shall be fitted with a test record of metal or equally durable material on which the following shall appear:

- (1) Date of test.
- (2) Test of pressure.
- (3) Name of person or firm making the test.

(Ord. 1969-5. Passed 2-10-69.)

### **1505.09 ELECTRICAL EQUIPMENT SALES.**

(a) Sales Limitations. No person, firm or corporation shall sell, offer or expose for sale within the City any electrical materials, equipment, fixtures or appliances or devices which do not bear an Underwriters Laboratories or Factory Mutual seal of approval, or which has been declared by the Fire Chief or an inspector for the Fire Division to be unsafe for use because of design, construction, wiring or assembly.

(b) Inspection and Unsafe Notice. The Fire Chief or an inspector for the Fire Division is hereby authorized to inspect any and all electrical materials, equipment, fixtures, appliances or devices sold, or offered or exposed for sale within this City and to determine whether the same are safe or unsafe for use because of design, construction, wiring or assembly. If he finds any such material unsafe, he shall give notice of the finding to the person selling or offering or exposing the same for sale, and no such person shall be guilty of violation of this section unless such written notice shall have been given to him or to his employer or to the person in charge of the place where the article is sold, offered or exposed for sale.

(Ord. 1969-5. Passed 2-10-69.)

**1505.10 FIRED PREMISES A NUISANCE.**

Any premises within this City wherein a fire has occurred, and either interior or exterior damage to a building or structure has been suffered, is hereby declared to be a public nuisance. Such nuisance may be summarily abated or the premises condemned for occupancy by the Director of Safety when he has determined that a hazard to the public health or safety exists, and may be abated in the manner provided in City ordinances. In either case, prior to such abatement, the premises shall first be inspected by the Building Inspector and the Fire Chief, or their duly authorized representatives, and each shall make written recommendations to the Mayor as to specific work to be performed in order properly to abate such nuisance and to protect the public health and safety, and the Director of Safety shall follow such recommendations to the extent possible in abating such nuisance.

(Ord. 1969-5. Passed 2-10-69.)

**1505.11 CAUSING FIRE THROUGH NEGLIGENCE IN PLACES OF ASSEMBLY.**

(a) Causing Fire Prohibited. No person shall, in any hotel, motel, rooming house, lodging house, apartment house, tenement house, convalescent home, hospital, child care facility, or similar place of abode, by any means whatsoever, through carelessness, neglect or negligence, set fire to, or cause the burning of any bedding, furniture, rug, curtain, drape or other household furnishing or fitting or any other part of such buildings or premises in such a manner as to endanger the safety of any person or property.

(b) Posting of Law. It shall be the duty of the manager, owner or lessee of any hotel or motel to post the provisions of this section in a conspicuous place in each room occupied by guests in such hotel or motel. It shall be the duty of the manager, owner, or lessee of any convalescent home, hospital, child care facility or similar place of abode, to post the provisions of this section in a conspicuous place upon such premises.

(c) Report of Fire; Spreading Alarm. It shall be the duty of the manager, owner or lessee, and of an employee of any manager, owner or lessee, and of an occupant, and of any person in direct control of rooming houses, apartments, hotels, motels, rest homes, department stores, theaters, auditoriums and other public places of assembly, upon the discovery of any unfriendly fire, or upon receiving information that there is an unfriendly fire on the premises, immediately, and with all reasonable dispatch and diligence, to call or notify the Fire Division concerning such fire and to spread an alarm immediately to all occupants of the building.

(Ord. 1969-5. Passed 2-10-69.)

**1505.12 OUTDOOR COOKING.**

Cooking and preparing of food involving the use of fire or combustible heat producing products is hereby prohibited on porches, patios, verandas or balconies or other not fully enclosed outside areas which are in buildings used for residential purposes having more than two units. (Ord. 1968-49. Passed 9-9-68.)

**1505.13 SMOKING IN RETAIL STORES, THEATERS, ETC.**

Smoking is hereby prohibited in retail stores, theaters and places of amusement, except in designated smoking and rest rooms therein approved for such purposes by the Building Inspector and the Fire Chief. No person within the City shall smoke or carry a lighted cigar, pipe, cigarette or match, or use any spark or flame-producing device in any retail store designed or arranged to accommodate 100 or more persons, or in which ten or more persons are employed, nor in any theater or assembly hall.

(Ord. 1959-35. Passed 4-27-59.)

**1505.14 SMOKING PROHIBITED IN MUNICIPAL BUILDINGS.**

- (a) Definitions. As used in this section, certain terms are defined as follows:
  - (1) "Smoking materials" means any cigar, cigarette, pipe, weed, plant or other smoking equipment in any form.
  - (2) "Sign" means legible, English lettering on a contrasting background to clearly indicate that smoking is not permitted and to provide related information. The international "NO SMOKING" symbol (consisting of a pictorial representation of a burning cigarette enclosed with a red circle with a red bar across it) may be used in, or substituted for, a sign indicating that smoking is prohibited. A sign shall be of sufficient size to be clearly legible to one of normal vision throughout the area it is intended to mark.
- (b) Restrictions on Smoking in Public Places. The possession of lighted smoking material in any form is prohibited in any of the municipally owned or operated buildings in the City.
- (c) Posting Signs.
  - (1) Signs indicating that smoking is not permitted shall be clearly, sufficiently and conspicuously posted in every establishment where smoking is regulated by this section in such manner as to give adequate notice to members of the general public.
  - (2) Signs indicating that smoking is prohibited in elevators and stairwells shall be posted in elevators and stairwell entrances on each floor.
- (d) Enforcement. Enforcement shall be implemented by the Safety Director who shall:
  - (1) Establish a telephone number through which all complaints by citizens relating to violations of this section may be directed or referred;
  - (2) Require, while an establishment is undergoing otherwise mandated inspections, a "self-certification" from the manager or other person having control of such establishments that all requirements of this section have been complied with.

(e) Relation to Other Law. This section shall not be interpreted or construed to permit smoking where it is otherwise restricted by law, nor to relieve any proprietor, employer or other responsible party from any liability resulting from exposure to tobacco smoke.

(f) Violations and Penalties.

- (1) No person who manages or otherwise controls the use of any establishment subject to the restrictions of this section shall fail to comply with its provisions.
- (2) No person shall smoke in any area restricted by the provisions of this section.
- (3) Any person who violates any provision of this section is guilty of a minor misdemeanor.
- (4) Each day on which a violation of any provision occurs is a separate and distinct offense and shall be punishable as such.  
(Ord. 1987-9. Passed 2-23-87.)





**CHAPTER 1507**  
**Fire Protection Systems**

<b>1507.01</b>	<b>Standpipe equipment required.</b>	<b>1507.03</b>	<b>Yard hydrants required.</b>
<b>1507.02</b>	<b>Sprinkler and alarm systems required.</b>	<b>1507.04</b>	<b>Fire hydrants.</b>
		<b>1507.05</b>	<b>Residential smoke detectors.</b>

**CROSS REFERENCES**  
Ohio Fire Code provisions - see OAC 1301: 7-7-04

**1507.01 STANDPIPE EQUIPMENT REQUIRED.**

In buildings hereafter erected, approved standpipe systems shall be installed and maintained as follows:

Standpipes shall be installed in all buildings over two stories high, except single and two-family dwellings. Such standpipes shall be not less than four inches in diameter for buildings not exceeding fifty-five feet in height, and not less than six inches in diameter for buildings over fifty-five feet in height.

On stages arranged or intended for theatrical, operatic or similar performances, regardless of building height, there shall be one two and one-half inch standpipe on each side of the stage.

The installation of all standpipe systems shall be in accordance with plans and specifications based on the requirements of this section, and subject to the approval of the Fire Chief.

- (a) Specifications - Permit Required. Plans showing the location, size and connections of the fixed portion of the standpipe system shall be furnished to the Fire Chief. The plans shall be to scale and shall include the details necessary to indicate clearly all the apparatus and its arrangements. The plans shall be accompanied by specifications covering the character of the material and features relating to the installation in detail. Upon approval of the Fire Chief, a permit for the installation shall be issued.
- (b) Number of Standpipes. The number of standpipes shall be such that all parts of every floor area can be reached within thirty feet by a nozzle attached to seventy-five feet of hose connected to a standpipe.

- (c) Location of Standpipes. Standpipes shall be so located that they are protected against mechanical and fire damage, with outlets within stairway enclosures.
- (d) Construction of Standpipes.
  - (1) Standpipes shall be constructed of wrought iron or steel, and shall be designed to withstand a working pressure of not less than one hundred pounds per square inch in excess of the static head of water due to the height of the standpipe.
  - (2) Standpipes shall extend from the lowest story of the building to the topmost story, provided that standpipes serving parts of buildings that are not of the full height of the building need extend only to the top story of that part.
  - (3) When more than one standpipe is required in a building, they shall be connected at their bases by pipes of a size equal to that of the largest standpipe, to permit water from any source, to supply all the standpipes.
  - (4) Where the water supply is furnished by a gravity tank or a pressure tank located in the building at, or above the topmost outlet, a check valve shall be provided below the tank and a stop valve between the check valve and the tank.
  - (5) Standpipes shall be equipped in every story with two and one-half inch hose connections and valves located not more than five feet above the floor level, such valves shall be provided with two and one-half inch to one and one-half inch reducing couplings for use with Fire Division hose.
  - (6) Sufficient stop valves or check valves shall be provided to permit cutting off a standpipe riser without interrupting the supply to other risers from the same source of supply. Stop valves which are located above the ground floor, and which must be closed to permit continued use of one standpipe in case of failure of another, shall be arranged to permit operation from the ground floor or from the pump room.
  - (7) Only fittings, connections and valves approved by the Fire Chief shall be used in the construction of standpipes.
  - (8) Standpipe and sprinkler systems shall be tested at a minimum 200 psi for two hours without leakage.
- (e) Fire Division Connections.
  - (1) Standpipes shall be equipped with outside Siamese connections approved by the Fire Chief, having check valves in each inlet. The pipe from the standpipe to the Siamese connection shall be at least four inches in diameter.
  - (2) There shall be one or more Siamese connections to each standpipe system.
  - (3) Siamese connections shall be placed not less than eighteen inches nor more than thirty-six inches above the level of the adjoining ground or sidewalk.
  - (4) The thread of such connections shall be uniform with that used by the Fire Division of the City. Substantial plugs, with chains, shall be provided to protect the threads on each connection.

- (5) Each such connection shall be suitably marked with raised letters reading "STANDPIPE WET" or "STANDPIPE DRY".
  - (6) Just inside of the building in a horizontal section of the standpipe connection, a straightway check valve approved by the Fire Chief shall be placed, with an automatic drip connection valve between the check valve and the exterior Siamese connection to prevent freezing.
- (f) Hose.
- (1) Standpipes located inside of buildings shall have linen hose approved by the Fire Chief, sufficient to reach all parts of the floor area, but not in excess of seventy-five feet, attached to each outlet.
  - (2) Such hose shall be not less than one and one-half inches in diameter, and provided with two and one-half inch outlet and shut-off valves, together with reducing couplings to conform to those of the Fire Division of the City.
  - (3) Each line of hose shall be provided with washers at both ends and fitted with smoothbore play pipe or nozzle at least twelve inches long having a one-half inch discharge outlet, or an adjustable nozzle.
  - (4) Hose shall be kept on hose racks or in the hose cabinets approved by the Fire Chief.
- (g) Water Supply to Standpipes.
- (1) Standpipes shall be supplied under full pressure from an adequate water supply, or the water supply shall be furnished automatically by the opening of a hose outlet or by the operation of suitable located thermostats, except in dwellings, churches and other buildings having floor areas of less than 2,500 square feet in which not less than one approved two and one-half gallon chemical extinguisher is provided for such floor area, and except in sprinklered buildings in which one and one-half inch hose is connected to sprinkler risers in each floor area, and except in buildings which, because of occupancy or type of construction, do not in the opinion of the Fire Chief, require such constant and automatic water supply.
  - (2) Such water supply shall be furnished by a street main in which the pressure is sufficient to maintain a pressure of not less than forty pounds per square inch at outlets in the top story of the building with a flow of 500 gallons per minute from a hydrant within 200 feet of the building; by a gravity tank of not less than 5,000 gallons capacity, having the bottom not less than twenty-five feet above the outlets in the top story of the building; by a pressure tank of not less than 4,500 gallons capacity (3,300 gallons of water), located in the top story or on the roof of the building, or by automatic pumps having a combined capacity of not less than 750 gallons per minute.

- (3) When a tank which supplies a standpipe is also used for ordinary house supply and is located at the required height, the inlet to the house supply pipe shall be placed at a height above the bottom of the tank to reserve for fire purposes not less than the quantity of water herein specified for such purposes.
  - (4) When the pressure of an outlet exceeds fifty pounds per square inch, an approved adjustable reducer or regulator shall be used to maintain a pressure of approximately fifty pounds per square inch on discharge side with a flow of 200 gallons per minute through the hose and nozzle.
- (h) Pumps to Standpipe System.
  - (1) In buildings exceeding 10,000 square feet in area, unless the required water supply is furnished by an automatic pump of capacity prescribed in this section, fire pumps approved by the Fire Chief shall be installed in addition to the water supply that is provided and permanently connected to the required standpipe systems.
  - (2) The capacities of the pumps shall not be less than 500 gallons per minute for a four-inch standpipe; not less than 750 gallons per minute for a six-inch standpipe or two interconnected four-inch standpipes, not less than 1,000 gallons per minute for two or more six-inch standpipes.
  - (3) The pumps shall have an adequate source of power and shall be supplied from street mains or from well systems or other storage systems furnishing not less than one hour's supply at the rated capacity of the pump.
- (i) Testing of Standpipe Installations.
  - (1) Upon the completion of a standpipe installation and at least once every two years thereafter, every standpipe shall be tested in the presence of a representative of the Fire Division assigned to witness such test.
  - (2) The test shall consist of a static pressure test, with all outlets closed, equivalent to the designed pressure due to the height of the standpipe. Flow tests shall also be made to prove that the standpipe, line valves, check valves and Siamese connections are free from obstructions and are workable.
  - (3) In buildings hereafter erected required standpipes shall be installed as the construction progresses, in such a way that they are available for use by the Fire Division to the topmost floor that has been constructed.
  - (4) After the completion of a building hereafter erected, and in buildings heretofore erected, standpipes and pumps, tanks and other equipment, as a part of the standpipe system shall be maintained in readiness for use at all times.

- (5) Sprinkler systems, standpipe systems, fire alarm systems, and other fire protection or extinguishing systems of appliances which have been installed in compliance with any permit or order, or because of any law or ordinance, shall be maintained in operative condition at all times, and it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required, except this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary to make tests, repairs, alterations or additions. The Fire Division shall be notified before such test, repairs, alterations or additions are started, and work shall be continuous until completion.
- (j) Maintenance.
  - (1) Required tanks shall be kept properly filled at all times and, where pressure tanks are employed, a pressure of at least seventy-five psi shall be maintained at all times. Where necessary, tank heaters shall be provided and utilized to prevent freezing.
  - (2) All standpipe systems, pumps, tanks and other equipment shall be maintained in readiness for use at all times.
  - (3) An approved three and one-half inch Dial spring pressure gauge shall be connected with each discharge pipe from fire pump and public waterworks, at the pressure tank, at the air pump supplying pressure tank, and at the top of each standpipe. Gauges shall be located in a suitable place where water will not freeze. Each gauge shall be controlled by a valve, having arrangements for draining.  
(Ord. 1969-5. Passed 2-10-69.)

#### **1507.02 SPRINKLER AND ALARM SYSTEMS REQUIRED.**

- (a) Automatic Fire Extinguishing Systems.
  - (1) All cooking appliances such as electric or gas-fired ranges, deep fat fryers, broilers, roasting ovens, candy kettles, chicken cookers, doughnut fryers, and other commercial cooking appliances used by establishments in this City preparing or serving food to the public on a regular basis, including private clubs, shall be provided with a hood and ventilating facilities, as required by the Building Code or other ordinances or regulations of this City.
  - (2) Fire protection shall be provided by means of an automatic fire extinguishing system providing protection above and below the filter area, the exhaust plenum behind the filters, the entire length of the exhaust duct, the deep fat fryers, doughnut-fryers, chicken cookers and candy kettles according to performance standards and specifications of the National Fire Protection Association.
  - (3) The normal manual control for actuation shall be located so as to be conveniently and easily accessible at all times, including at the time of fire. This control shall cause the complete system to operate in its normal fashion.

- (4) All hazards venting through a common duct are to be protected simultaneously.
  - (5) Actuation of the system shall automatically close the dampers, shut off forced ventilating fans, and shut off the master fuel valve or power switch to all cooking equipment associated with the hood; these shall be of the type that requires manual resetting.
  - (6) Plans and specifications shall be submitted to the Fire Chief and the Ohio Inspection Bureau, for approval before installation may proceed.
  - (7) Automatic fire extinguishing systems shall be inspected and full flow tested with the extinguishing agent which the system is designed for, before acceptance and annually thereafter, by the manufacturer or his authorized agent, and a report of its test and inspection shall be sent to the Fire Chief. All testing shall be done under the direct supervision of the Fire Division. A discharge of twenty percent (20%) of the extinguishing agent shall be used in the annual test.
  - (8) If upon inspection by the Fire Division any such cooking appliances are found not to be protected by an automatic extinguishing system as required by this section, the Fire Chief shall order the owner, tenant or operator of such facilities, to submit plans and specifications to the Fire Division for the installation of such system and shall order the installation of such system according to approved plans. Such plans and specifications shall be submitted within six months of receipt of such order and the installation of the system shall be completed within one year of receipt of such order, except that the Fire Chief may grant an extension of such time limits for delays caused by factors beyond the control of the person or persons so ordered.
- (b) Alarm Systems Required.
- (1) Permit required. Plans and specifications showing type of fire alarm system furnished must be submitted to the Fire Chief. The plans should be to scale and should include the details necessary to indicate clearly all the apparatus and its arrangements. The specifications should cover the character of the material and features relating to installation in detail.
  - (2) Upon the approval of the Fire Chief, a permit for installation will be issued.
  - (3) Fire alarm systems shall be required in all buildings, except single and two-family dwellings, which are over two stories high or thirty-five feet in height, as measured from the lowest exposed portion of the building. All buildings used for manufacture, sale or storage of combustible goods or merchandise and exceeding in area 40,000 square feet.

- (4) Fire alarm boxes shall be used only for fire protective signaling purposes. Each box shall be mounted not less than four and one-half feet and not more than six feet above the floor level. Fire alarm boxes shall be distributed throughout the protected area so that they are unobstructed, readily accessible and located in normal path of exit from the area. Additional boxes shall be provided on each floor to obtain a maximum horizontal travel distance of 200 feet to the nearest box.
  - (5) Panel location board. A main panel shall be located on the first floor showing the signal designation. In multi-story buildings the signal designation shall be coded.
  - (6) Installation. Wiring, power supply and testing procedures shall be in accordance with the recommended good practices as set forth by the National Fire Protection Association book on Fire Codes - Alarms - and special extinguishing systems.
- (c) Sprinkler Equipment Required.
- (1) Plans showing the location, size and connections of the fixed portion of the sprinkler system shall be furnished the Fire Chief. The plans shall be to scale and will include the details necessary to indicate clearly all the apparatus and its arrangements. The plans shall be accompanied by specifications covering the character of the material and features relating to the installation in detail. Upon the approval of the Chief, a permit for the installation will be issued.
  - (2) In buildings hereafter erected, approved automatic sprinkler equipment shall be installed and maintained as follows:
    - A. Except single and two-family dwellings, all rooms in all buildings over two stories high or over thirty-five feet in height, as measured from the lowest exposed portion of the building, whichever is less, which are used for the storage of combustible materials, including common locker rooms but not individual locker rooms within suites, shall be provided with a sprinkler system connected to the building's water supply. In case the storage or locker rooms have divided compartments, each locker or compartment shall be provided with one sprinkler head supplied from a water main not less than one inch in diameter, with the main size increased as may be required for larger than average installations and as approved by the Fire Chief. In no case, however, shall such sprinkler heads be spaced more than twelve feet apart.
    - B. Those portions of a building occupied as a place of assembly and having a stage arranged or intended for theatrical, operatic or similar performances, shall be equipped with approved automatic sprinkler equipment except in the auditorium, foyers, lobbies and the immediate vicinity of automatic stage ventilators.

- C. Except as otherwise specifically prescribed, complete sprinkler systems shall be installed wherever specified in City ordinances or State law or any amendment or supplement thereto.

(d) Installation and Approval of Sprinkler Equipment.

- (1) Required automatic sprinkler equipment shall be installed in accordance with detailed drawings of the complete sprinkler layout which have been submitted to and approved by the Fire Division and the Ohio Inspection Bureau.
- (2) Sprinkler systems shall be designed to withstand, when ready for service, a water pressure of not less than 200 pounds per square inch for two hours with leakage at joints, valves, fittings or any part of the piping.
- (3) When ready for service the entire system shall be inspected and tested in the presence of a representative of the Fire Division. Defects developed by the inspection and test shall be corrected before final approval.
- (4) Only sprinklers, fittings, connections and valves approved by the Fire Chief shall be used in the installation of sprinkler systems.
- (5) Every sprinkler system shall be provided with an outside screw and yoke valve or indicator gauge valve approved by the Fire Chief and located so as to be readily accessible to control all sources of water supply except that from the Fire Division connection.

(e) Water Supply to Sprinkler Systems. Required sprinkler systems shall have at least one automatic water supply of adequate pressure, capacity and reliability, as determined by the Ohio Inspection Bureau.

(f) Fire Division Connections to Sprinkler Systems.

- (1) Every sprinkler system shall be equipped with one or more Fire Division connections approved by the Fire Chief. The pipe from the sprinkler system to the hose connection shall not be less than four inches in size.
- (2) There shall be a Fire Division hose connection on each street frontage or when the building sets back of the street line on each accessible exterior wall, provided that when a frontage or exterior wall is less than fifty feet in length, no such connection will be required on that frontage if the required connections are provided on the other frontages.
- (3) Hose connections shall be so located as to permit prompt and easy attachment of hose.
- (4) The thread of the connection shall be uniform with that used by the Fire Division. Substantial plugs shall be provided on each connection.



- (5) Each connection shall be suitably marked with raised letters reading "Fire Department Connection Automatic Sprinklers", or when only stories below grade are equipped, "Fire Department Connection - Basement Sprinklers" (or "Cellar Sprinklers").
  - (6) An approved straightway check valve shall be installed in each Fire Division connection, located as near as practicable to the point where it joins the system. The pipe between the outside hose connections and the check valve shall be arranged to drain in an approved manner.
  - (7) Whenever in this chapter the approval of the Fire Chief is required for any equipment, appliance or plan, the Fire Chief shall approve such equipment, appliance or plan if he finds that the same is safe and adequate for its intended purpose; otherwise he shall disapprove the same.
  - (8) All standpipe and sprinkler plans shall be approved by the Ohio Inspection Bureau.
- (g) Sprinklers Required.
- (1) Approved automatic sprinkler systems shall be installed in buildings that are: Occupied as bowling lanes, restaurants, or for the manufacture, sale (wholesale or retail) or storage of combustible goods or merchandise (not including garages) and exceeding the areas in Table #1.
  - (2) Buildings housing one or more businesses covered by a common roof to create a mall area effect, even though separated by fire walls, shall be considered as one building and governed under the following tables.

TABLE NO. 1

<u>Types of Construction</u>	<u>Area of Any Floor in Square Feet</u>			
	<u>1 Story Buildings</u>	<u>2 Story Buildings</u>	<u>Building Height over 2 Stories or 35 Feet</u>	<u>Building Height over 50 Feet</u>
Fire Resistive Type A	40,000	20,000	10,000	10,000
Fire Resistive Type B	40,000	20,000	10,000	any area
Protected noncombustible	20,000	20,000	8,000	any area
Unprotected noncombustible	9,000	6,000	any area	
Heavy Timber	9,000	6,000	any area	
Ordinary	9,000	6,000	any area	
Wood Frame	6,000	4,000	any area	

- (1) Basements or underground structures having these occupancies shall have approved automatic sprinkler systems installed when the basement or underground structure area exceeds 2,500 square feet.
- (2) Approved automatic sprinklers shall be installed in work shops and spaces having storage of combustible goods in basements, exceeding 2,500 square feet in area, of buildings used for assembly, educational or residential occupancies. Approved automatic sprinklers shall be installed in the entire basement when such area exceeds a total of 5,000 square feet.

TABLE NO. 2

Occupied as educational, institutional or residential occupancies and do not have the windows in each wall facing a street, public place or public way and exceeding the areas in Table 2.

<u>Types of Construction</u>	<u>Area of Any Floor in Square Feet</u>	
	<u>1 Story Buildings</u>	<u>Multi-Story Buildings</u>
Fire Resistive Type A	30,000	15,000
Fire Resistive Type B	30,000	15,000
Protected Noncombustible	20,000	10,000
Unprotected Noncombustible	10,000	8,000
Heavy Timber	10,000	6,000
Ordinary	10,000	6,000
Wood Frame	7,500	5,000

TABLE NO. 3

Occupied as enclosed parking or repair garages and exceeding the areas of Table 3.

		<u>Area of Any Floor in Square Feet</u>			
<u>Type of Garage</u>	<u>Type of Construction</u>	<u>Garage in Basement or Under-ground Building</u>	<u>One Story Garage Building</u>	<u>Garage in Building with other Occupancies above-grade</u>	<u>Garage over 65 feet in height</u>
Parking	Fire Resistive Type A	5,000 sq. ft.	40,000	35,000	8,000
Parking	Fire Resistive Type B	5,000 sq. ft.	40,000	35,000	8,000
Parking	Protected Non-combustible	5,000 sq. ft.	18,000	15,000	6,000
Parking	Unprotected Non-combustible	5,000 sq. ft.	12,000	9,000	not permitted
Parking	Heavy Timber	5,000 sq. ft.	12,000	9,000	not permitted
Parking	Ordinary	5,000 sq. ft.	12,000	9,000	not permitted
Parking	Wood Frame	5,000 sq. ft.	10,000	6,000	not permitted
Repair	Fire Resistive Type A	not permitted	12,000	8,000	any area
Repair	Fire Resistive Type B	not permitted	12,000	8,000	any area
Repair	Protected Non-combustible	not permitted	10,000	6,000	any area
Repair	Unprotected Non-combustible	not permitted	9,000	4,000	any area
Repair	Heavy Timber	not permitted	9,000	4,000	any area
Repair	Ordinary	not permitted	9,000	4,000	any area
Repair	Wood Frame	not permitted	6,000	3,000	any area

(h) First-Aid Hose in Sprinklered Buildings. In sprinklered buildings first-aid hose may be connected to a sprinkler supplied directly by a City water main, in which case dry standpipes may be substituted for wet standpipes required by this chapter.

(i) Hose.

- (1) First-aid hose located inside of buildings shall be linen hose approved by the Fire Chief, sufficient to reach all parts of the floor area, but not in excess of one hundred feet, attached to each outlet.
  - (2) Such hose shall be not less than one and one-half inches in diameter, and shall be provided with two and one-half inch outlet and shut-off valves, together with reducing couplings to conform to those of the Fire Division.
  - (3) Hose shall be kept on hose racks or in the hose cabinets approved by the Fire Chief.
- (Ord. 1969-5. Passed 2-10-69.)

**1507.03 YARD HYDRANTS REQUIRED.**

(a) Specifications and Permits.

- (1) Plans showing the location, size and connections of the yard system shall be furnished by the Fire Chief. The plans shall be to scale and shall include the details necessary to indicate clearly all apparatus and its arrangements.
- (2) The plans shall be accompanied by specifications covering the character of the material and features relating to the installation in detail.
- (3) Upon the approval of the Fire Chief, a permit for the installation will be issued.

(b) Hydrant.

- (1) When required. Whenever the ground area of the premises of an industrial plant, tank farm, lumber yard, storage area, shopping center or other occupancy involving the use of large ground area exceeds 15,000 square feet, and whenever the area of a lumber shed or sheds on any premises exceeds 5,000 square feet aggregate area, and such premises are so located or arranged that efficient firefighting cannot be carried on from existing public hydrants, the Fire Chief may require the installation of yard hydrants by the owner of the premises in conformity with the provisions of this section.
- (2) Number required.
  - A. Premises of Large Ground Area. One yard hydrant shall be provided for each 20,000 square feet of ground area and such hydrants shall be spaced not more than 300 feet apart.
  - B. Lumber Yards. Yard hydrants in lumber yards shall be spaced not more than 250 feet apart and shall be in such number and so located that streams therefrom, when used in first aid or Fire Division firefighting, shall reach all areas on the premises, including those within lumber sheds.

- C. Every required yard hydrant within a lumber yard shall be equipped with attached hose kept within a hose house.

(c) Type Hydrants and Fittings.

- (1) All hydrants, hose, hose connections and nozzles shall conform to the Fire Division standard. These hydrants shall be supplied by a main of not less than six inches. For average conditions hydrants should be placed about fifty feet from the buildings protected. Where it is impossible to place them at this distance, they may be put nearer, provided they are set in locations where the chance of injury by falling walls is small, and from which men are not likely to be driven by smoke or heat.
- (2) No smaller than six-inch pipe shall be installed underground in yard systems for mains or hydrant branches. In moderately large plants a loop system is advised on account of its larger carrying capacity. The size of the pipe supplying the yard system shall be determined by the Fire Chief, due consideration being given to the construction and occupancy to volume and pressure of water.

(d) Hose Houses. When deemed necessary by the Fire Chief or required by this chapter, hose houses or cabinets containing an adequate supply of rubber lined cotton hose, two and one-half inch in size the yard hydrant or hydrants and arranged or laid within a hose house shall be ready for use at any time. Nozzle size shall not be larger than one and one-eighth inch. Hose houses shall be painted red with words "Fire Hose", six inches high in white letters on the door or doors.

(e) Water Supply.

- (1) Where adequate pressure and capacity exist, yard hydrants may be connected to the public water supply. Where the public water supply is deemed inadequate by the Fire Chief, such yard hydrants shall be supplied either from gravity tank of not less than 50,000 gallons capacity elevated so that the bottom of the tank is at least seventy-five feet high above the highest grade level within the area protected or at least twenty-five feet above the highest structure in the area; or from a fire pump or fire pumps with a capacity of not less than 1,000 gallons a minute drawing from a suction tank of not less than 60,000 gallons capacity, or from other approved source which will provide an adequate supply of water for firefighting purposes.
- (2) When water supply is taken from a well, stream, lake or other source approved by the Fire Chief, no connection shall be made which may result in a cross connection between the public main and the water drawn from other sources.
- (3) Yard hydrants and post indicator valves shall be painted red and their purpose shall be plainly marked upon them.

(f) Monitor Nozzle and First Aid Hose. Whenever the occupancy is of unusual hazard the Fire Chief may require the installation of a monitor nozzle or nozzles with remote control, connected to such yard hydrant system. Where unusual hazards exist and where first aid firefighting equipment is deemed necessary by him, he may also require the installation of one and one-half inch first-aid hose mounted on approved racks and connected to piping not less than two inches in size.

(g) Hydrostatic Test. All new yard piping shall be tested hydrostatically at not less than 200 pounds per square inch pressure for two hours, or at fifty pounds per square inch in excess of the maximum of 150 pounds per square inch.  
(Ord. 1969-5. Passed 2-10-69.)

#### **1507.04 FIRE HYDRANTS.**

(a) Permit Required to Use Water; Fees. No person shall make a connection with any fire hydrant, to take water therefrom for private use, unless such person shall have first applied for and obtained from the Fire Chief a fire hydrant permit, the fee for which shall be twenty-five dollars (\$25.00), and which shall be for permission to use such hydrant. A multi-fire hydrant permit may be issued, authorizing the use of all fire hydrants, regardless of number, located on a portion of or in one street, the termini to be fixed by the Fire Chief, which termini shall be specified in the permit. For a multi-hydrant permit a fee of fifty dollars (\$50.00) shall be charged. In addition to the permit fees, the applicant shall pay the City of Cleveland for all water used from the hydrants, an amount based upon an estimate of water consumed. All fees required herein shall be paid to the Director of Finance.

(b) Deposit to Accompany Application. A deposit of five hundred dollars (\$500.00) shall accompany each application for a fire hydrant permit, and a deposit of eight hundred dollars (\$800.00) shall accompany each application for a multi-fire hydrant permit, which respective deposits shall be applied toward payment of any damage suffered by the City or the payment of any claims against the City made by anyone by reason of the use of any fire hydrant by the applicant for the permit, or his representatives. In the absence of any damages or claims, the deposit shall be returned to the applicant who made the same.  
(Ord. 1994-23. Passed 4-25-94.)

(c) Receipt Required Before Using Water. Upon the issuance of a fire hydrant permit or multi-fire hydrant permit, it shall be the duty of the applicant to whom it is issued to immediately, and before making any connection to or using the hydrant in any way, present such permit to the Division of Water of the City of Cleveland and there obtain a receipt showing payment for the water estimated to be used under and by virtue of the permit; in accordance with the rates, rules and regulations of the City of Cleveland Water Division, which receipt shall then be presented and exhibited to the Fire Chief, together with a written statement by the applicant as to the period of time during which the hydrant set forth in the permit will be used by him. All of the foregoing provisions shall be complied with by the applicant before making any connection to or using any hydrant for the use of which a permit has been granted, as hereinbefore provided.

(d) Permit Expiration. All fire hydrant permits issued pursuant to the provisions of this section shall expire by limitation upon completion of the work contemplated and in connection with which such permit was obtained, but in no event shall any permit remain in force and effect for a period of more than sixty days.

(e) Agreement to Indemnify City. All fire hydrant permits shall be issued subject to and on the express condition that the person to whom such permit is issued shall indemnify and save harmless the City from all loss or damage that may be occasioned or in any way caused it by the want of care, skill or attention on the part of the applicant, or of anyone in his employ, in the making of a connection with, or in the use of, any fire hydrant or any hose connected thereto, and that such applicant shall, in the event any damage is caused to any fire hydrant or any hose connected thereto, in the use thereof under a permit, promptly and fully reimburse the City for the cost and expense of the repairs necessary thereto beyond the amount of his deposit.

(f) Reducing Couplings Required. All hydrants used under a permit for any purpose shall have reducing couplings attached to the nozzles of the fire hydrants within an independent valve for regulating the supply. The main valve of the hydrant shall be opened full at the beginning of work each day and remain open until the stoppage of work at night. The hydrant shall be operated only by a proper hydrant key.

(g) Inspection of Hydrant After Use. Upon completion of the use of a fire hydrant, the person to whom a fire hydrant permit has been issued shall notify the Fire Chief thereof, and it shall then be the duty of the Chief, or an assistant under his direction, to promptly inspect each fire hydrant used pursuant to such fire hydrant permit and make a report of the condition thereof and the repairs, if any, he shall find necessary thereto, to the Director of Safety-Service. No further fire hydrant permit shall be issued to any person responsible for repairs until the City has been reimbursed for the cost thereof.

(Ord. 1983-2. Passed 1-10-83.)

### **1507.05 RESIDENTIAL SMOKE DETECTORS.**

(a) Requirement. Smoke detectors shall be installed in all new single-family dwellings and each unit of new multi-family buildings as hereinafter provided. Such smoke detectors shall be capable of sensing visible or invisible particles of combustion and providing a suitable audible alarm thereof; further, they shall be installed in the manner hereinafter provided.

(b) Location.

- (1) At least one smoke detector shall be installed to protect each sleeping area. A "sleeping area" is defined as the area or areas of the family living unit in which the bedrooms (or sleeping rooms) are located. Where bedrooms or rooms ordinarily used for sleeping are separated by other use areas (such as kitchens or living rooms, but not bathrooms or closets), they shall be considered as separate sleeping areas for the purposes of this section.



- (2) At least one smoke detector shall be installed at the head (top) of each stairway leading up to an occupied area in such manner as to assure that rising smoke is not obstructed in reaching the detector and the detector intercepts rising smoke before it reaches the sleeping area.

(c) Fire Detection System. As an alternative to self-contained smoke detectors, an approved fire detection system may be installed. Each fire detection system shall be individually approved and a permit issued therefor by the Fire Chief and the Building Inspector.

(d) Equipment. All devices, combination of devices and equipment required herein are to be installed in conformance with the Building Code and this section, and approved by the Fire Chief, and listed by the Fire Chief for the purpose for which they are intended. Such list may be subsequently amended by the Fire Chief as necessary. Such approval shall be permanent unless the Fire Chief subsequently finds that the equipment is hazardous or unreliable, in which case, the Fire Chief may suspend or revoke approval. The Fire Chief may, in any such case, determine whether replacement of an existing installation shall be required. Transfer to the inactive list shall not affect equipment approval.

(e) Installation. In new residential dwellings, smoke detectors shall be wired directly (hard-wired) to the building's power supply with a self-monitoring battery back-up system. In multi-family buildings of three units or more, the detectors shall meet the multi-family building power source requirements of City or State law, or in the absence of such law, the requirements hereunder covering other existing dwellings.

(f) Certification at Change in Occupancy. After June 1, 1979, at every change of occupancy of every dwelling unit occasioned by or incidental to a sale, lease or sublease of such unit, it shall be the duty of the grantor thereof (i.e., the seller, lessor or sublessor, as the case may be) to certify, before occupancy, to the new occupant that all smoke detectors as required by this section or other applicable laws are installed and in proper working condition. Failure to comply with this section shall be punishable as set forth herein; provided, however, that this section shall not be construed to vitiate or render void any contract, lease or sublease subject hereto.

(g) Electrical Permits. No smoke detector or alternative system shall be directly connected (permanently wired) to the electrical system of the structure unless an electrical permit shall have first been obtained from the Building Department.

(h) Supplemental Standards. This section is intended to be used with and supplemented by the applicable provisions of the Ohio Fire Code; however, if there shall be any conflict between this section and such Fire Prevention Code, this section and any rules and regulations adopted pursuant thereto shall prevail.

(i) Enforcement. The Building Inspector shall have concurrent jurisdiction with the Fire Chief to inspect the installation of any smoke detectors required to be installed by this section.

(j) Penalty. Unless otherwise provided in this section, whoever violates this section shall be guilty of a misdemeanor of the first degree. Any contractor in violation of this section may be subject to revocation of the certified registration within the City of Brooklyn for not more than one year. (Ord. 1978-25. Passed 11-13-78.)

**CHAPTER 1509**  
**Means of Egress**

**1509.01 Lighting in exit ways;  
emergency lighting.**

**1509.02 Basements of store units.**

**CROSS REFERENCES**  
Ohio Fire Code provisions - see OAC 1301: 7-7-05

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**1509.01 LIGHTING IN EXIT WAYS; EMERGENCY LIGHTING.**

(a) Required stairways, hallways and other means of egress, including exterior open spaces to or through which exit ways lead, shall be kept adequately lighted at all times that the building served thereby is occupied.

(b) Each room, hall or auditorium having a capacity of 100 persons, and each place of business open to the public after 9:00 p.m. and each apartment house shall be provided with lights which shall be kept adequately lighted and so located and supplied with current as to provide, with one service interrupted, emergency illumination without appreciable delay. Such installation may consist of any one of the following:

- (1) An emergency lighting system, independent of the general lighting system with provisions for automatically transferring, by means of devices approved for the purpose, the emergency system from a defective supply to another supply.
- (2) Two or more separate and complete systems, with independent current supply, each providing emergency lighting. Unless both systems are kept lighted, means shall be provided for automatically lighting each system upon failure of the other.
- (3) Any other installation approved as adequate for the purpose of this section in the manner required by this chapter or the Ohio Fire Code.

(c) All emergency generators, batteries (wet or dry), (elevator cab lights and emergency elevator bell power), shall be maintained in a serviceable and operating condition. (Ord. 1969-5. Passed 2-10-69.)

**1509.02 BASEMENTS OF STORE UNITS.**

(a) Basements of individual store units shall be provided with one or both of the following plans of opening:

- (1) At least one exterior window or other opening shall be provided at each end of the basement store unit, which window or opening shall be placed below the ceiling level and shall be accessible to the Fire Division.
- (2) In lieu of the opening required by subsection (a)(1) hereof, with respect to the end of a basement store unit adjacent to a street, there may be substituted, with the prior written approval of the Fire Division, an opening from the basement store unit to the street level, which opening may be temporarily closed by concrete of such thickness that the concrete may serve as part of a sidewalk, but may be quickly and easily broken open by the Fire Division. The dimensions of such opening, the thickness of such concrete and the method of installation shall be subject to the approval of the Fire Division.

(b) In any retail or commercial establishment where people are employed regularly in the basement or to which the public is permitted to have ingress and egress to the basement, such basement, regardless of size, shall have not less than two direct means of egress which shall be as far apart as possible. At least one of such means of egress shall be in a fire-resistant enclosure with a one-hour fire door equipped with an approved fusible link closure. This requirement shall not be applicable, however, to a basement equipped with an approved sprinkler system, provided the public is not permitted in such basement, and further provided that not more than three persons are regularly employed in such basement. For the purposes of this section, the "egress" means a clear stairway leading to an outside exit, either directly or through a clear passageway.

(c) In all retail or commercial establishments where merchandise is stored in the basement, shelving or bins for such merchandise shall run lengthwise from the front to the rear of the basement and shall be constructed in such a manner that there are no cross partitions, but only open shelving.

- (1) Where automatic sprinkler protection is provided, clearance of at least eighteen inches shall be maintained under sprinklers. Clearance of up to thirty-six inches may be required where the nature of the material stored requires greater clearance.
- (2) Where automatic sprinkler protection is not provided and reliance is placed upon hose streams for fire extinguishment, there shall be a clearance of at least three feet between the top of material stored and the underside of the lowest beams, girders or other ceiling obstruction which might restrict the play of hose streams over the material.

(d) No person shall be permitted to reside in any part of any retail or commercial establishment, except in apartments built, designed and intended to be used as dwelling units adjacent to or above such establishment, but in no case shall living be permitted in the basement thereof.

(Ord. 1969-5. Passed 2-10-69.)



## CHAPTER 1511 Open Burning

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| <b>1511.01 Definitions.</b><br><b>1511.02 Relations to other prohibitions.</b><br><b>1511.03 Open burning in restricted areas.</b> | <b>1511.04 Permission and notice to open burn.</b><br><b>1511.05 Bonfires and outdoor rubbish fires.</b><br><b>1511.99 Penalty.</b> |
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### CROSS REFERENCES

See sectional histories for similar State law  
 Air pollution control - see Ohio R.C. Ch. 3704  
 Permit to burn construction debris - see Ohio R.C. 3704.11(C)  
 Spreading fire through negligence - see Ohio R.C. 3737.62  
 Open burning - see OAC Ch. 3745

### **1511.01 DEFINITIONS.**

As used in Chapter 3745-19 of the Ohio Administrative Code and this chapter:

- (a) "Agricultural waste" means any matter generated by crop, horticultural or livestock production practices, and includes such items as bags, cartons, structural materials and landscape wastes that are generated in agricultural activities, but does not include land clearing waste; buildings; garbage; dead animals; motor vehicles and parts thereof; nor economic poisons and containers therefor, unless the manufacturer has identified open burning as a safe disposal procedure.
- (b) "Economic poisons" include but are not restricted to pesticides such as insecticides, fungicides, rodenticides, miticides, nematocides and fumigants; herbicides; seed disinfectants; and defoliants.
- (c) "Garbage" means any matter resulting from the handling, processing, preparation, cooking and consumption of food or food products.
- (d) "Landscape waste" means any plant matter, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings and crop residues.
- (e) "Land clearing waste" means plant matter which is removed from land, including plant matter removed from stream banks during projects involving more than one property owner, for the purpose of rendering the land useful for residential, commercial or industrial development.

- (f) "Ohio EPA" means the Ohio Environmental Protection Agency Director or agencies delegated authority by such Director pursuant to Ohio R.C. 3704.03 or the Chief of any Ohio Environmental Protection Agency district office.
- (g) "Open burning" means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney. Open burning includes the burning of any refuse or salvageable material in any device not subject to or designed specifically to comply with the requirements of Ohio Administrative Code 3745-17-09 or 3745-17-10.
- (h) "Residential waste" means any matter, including landscape wastes, generated on a one-, two- or three-family residence as a result of residential activities, but not including garbage.
- (i) "Restricted area" means the area within the boundary of any municipal corporation established in accordance with the provisions of Title 7 of the Ohio Revised Code, plus a zone extending 1,000 feet beyond the boundaries of any such municipal corporation having a population of 1,000 to 10,000 persons and a zone extending one mile beyond any such municipal corporation having a population of 10,000 persons or more according to the latest federal census.
- (j) "Unrestricted area" means all areas outside the boundaries of a restricted area as defined in subsection (i) hereof.  
(OAC 3745-19-01)

#### **1511.02 RELATIONS TO OTHER PROHIBITIONS.**

(a) Notwithstanding any provision in Ohio Administrative Code Chapter 3745-19, no open burning shall be conducted in an area where an air alert, warning or emergency under Ohio Administrative Code Chapter 3745-25 is in effect.

(b) No provisions of Ohio Administrative Code Chapter 3745-19, permitting open burning, and no permission to open burn granted by the Ohio EPA, shall exempt any person from compliance with any section of the Ohio Revised Code, or any regulation of any State department, or any local ordinance or regulation dealing with open burning.  
(OAC 3745-19-02)

#### **1511.03 OPEN BURNING IN RESTRICTED AREAS.**

(a) No person or property owner shall cause or allow open burning in a restricted area except as provided in subsections (b) to (d) hereof or in Ohio R.C. 3704.11.

(b) Open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA:

- (1) Cooking for human consumption;
- (2) Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots and similar occupational needs.

Fires allowed by subsections (b)(1) and (b)(2) hereof shall not be used for waste disposal purposes and shall be of minimum size sufficient for their intended purpose; the fuel shall be chosen to minimize the generation and emission of air contaminants.



(c) Open burning shall be allowed for the following purposes with prior notification to the Ohio EPA:

- (1) Prevention or control of disease or pests, with written or verbal verification to the Ohio EPA from the local health department, cooperative extension service, Ohio Department of Agriculture, or U.S. Department of Agriculture, that open burning is the only appropriate disposal method.
- (2) Ceremonial fires provided the following conditions are met:
  - A. The ceremonial fires shall be less than five feet by five feet in dimension and shall burn no longer than three hours;
  - B. The ceremonial fires shall not be used for waste disposal purposes; and
  - C. The fuel shall be chosen so as to minimize the generation and emission of air contaminants.

(d) Open burning shall be allowed for the following purposes upon receipt of written permission from the Ohio EPA provided that any conditions specified in the permission are followed:

- (1) Disposal of ignitable or explosive materials where the Ohio EPA determines that there is no practical alternate method of disposal;
  - (2) Instruction in methods of fire fighting or for research in the control of fires;
  - (3) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Ohio EPA; and
  - (4) Recognized horticultural, silvicultural, range or wildlife management practices.
- (OAC 3745-19-03)

#### **1511.04 PERMISSION AND NOTICE TO OPEN BURN.**

(a) Permission.

- (1) An application for permission to open burn shall be submitted in writing at least ten days before the fire is to be set. It shall be in such form and contain such information as required by the Ohio EPA.
- (2) Such applications shall contain, as a minimum, information regarding:
  - A. The purpose of the proposed burning;
  - B. The nature and quantities of material to be burned;
  - C. The date or dates when such burning will take place;
  - D. The location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields and other pertinent landmarks; and
  - E. The methods or actions which will be taken to reduce the emissions of air contaminants.
- (3) Permission to open burn shall not be granted unless the applicant demonstrates to the satisfaction of the Ohio EPA that open burning is necessary to the public interest; will be conducted in a time, place and manner as to minimize the emission of air contaminants; and will have no serious detrimental effect upon adjacent properties or the occupants thereof. The Ohio EPA may impose such conditions as may be necessary to accomplish the purpose of Ohio Administrative Code Chapter 3745-19.

- (4) Permission to open burn shall be obtained for each specific project. In emergencies where public health or environmental quality will be seriously threatened by delay while written permission is sought, the fire may be set with oral permission of the Ohio EPA.
  - (5) Violations of any of the conditions set forth by the Ohio EPA in granting permission to open burn shall be grounds for revocation of such permission and refusal to grant future permission, as well as for the imposition of other sanctions provided by law.
- (b) Notification.
- (1) Notification shall be submitted in writing at least ten days before the fire is to be set. It shall be in such form and contain such information as shall be required by the Ohio EPA.
  - (2) Such notification shall inform the Ohio EPA regarding:
    - A. The purpose of the proposed burning;
    - B. The nature and quantities of materials to be burned;
    - C. The date or dates when such burning will take place; and
    - D. The location of the burning site.
  - (3) The Ohio EPA, after receiving notification, may determine that the open burning is not allowed under Ohio Administrative Code Chapter 3745-19 and the Ohio EPA shall notify the applicant to this effect.  
(OAC 3745-19-05)

**1511.05 BONFIRES AND OUTDOOR RUBBISH FIRES.**

(a) General. Burning of rubbish shall be prohibited except in approved incinerators. Bonfires may be permitted only under the following conditions and subject to the air pollution provisions of this chapter.

(b) Permit Required. A person shall not kindle or maintain any bonfire or authorize any such fire to be kindled or maintained on any premises without having obtained a permit or other proper authorization from the Fire Official. All permits shall be requested by and issued to the owner of the land upon which the bonfire is to be kindled.

(c) Location Restricted. A person shall not kindle or maintain any bonfire or authorize any such fire to be kindled or maintained unless:

- (1) The location is approved by the Fire Official and is not less than fifty feet from any structure and adequate provision is made to prevent fire from spreading to within fifty feet of any structure; or
- (2) The fire is contained in an approved burner located safely not less than fifteen feet from any structure.

(d) Bonfire Material. Fuel for bonfires shall consist of seasoned dry wood only and shall be ignited with a small quantity of paper only. Bonfires shall not contain any rubbish, garbage, trash, any material made of or coated with rubber, plastic, leather or petroleum based materials and shall not contain any flammable or combustible liquids. The allowable quantity of wood to be burnt shall be determined by the Fire Official and shall be based upon the fire safety requirements of the situation and the desirable duration of burn.

(e) Attendance at Open Fires. Bonfires shall be constantly attended by a competent person until such fire is extinguished. This person shall have fire extinguishing equipment readily available for use as deemed necessary by the Fire Official.

(f) Prohibited Bonfires. The Fire Official may prohibit any or all bonfires when atmospheric conditions or local circumstances make such fire hazardous or which are or could be offensive or objectionable due to smoke or odor emissions. The Fire Official shall order the extinguishment, by the permit holder or the Fire Division, of any bonfire which creates or adds to a hazardous or objectionable situation.  
(OAC 1301:7-7-03.)

**1511.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both.



**CHAPTER 1513**  
**Service Stations and Garages**

**1513.01 Welding in service stations prohibited.**

**1513.02 Indoor storage of motor vehicles.**

**CROSS REFERENCES**  
Ohio Fire Code provisions - see OAC 1301: 7-7-16

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**1513.01 WELDING IN SERVICE STATIONS PROHIBITED.**

No person shall perform any welding or cutting operations, or use any heat producing torch within or upon the property of any gasoline service stations.  
(Ord. 1969-5. Passed 2-10-69.)

**1513.02 INDOOR STORAGE OF MOTOR VEHICLES.**

(a) In all buildings, other than one-family or two-family houses and garages accessory thereto, where space is provided for the storage of motor vehicles, the following fire protective measures shall be followed:

(b) The lawful capacity of each storage space shall be the number of vehicles which can be stored therein without blocking any aisle or exit. Storage of vehicles shall be so arranged and limited that each vehicle shall have free access to and egress from its parking space without necessitating the moving of more than one other vehicle.

(c) A sign indicating the capacity as determined above shall be conspicuously posted near the entrances and exits of each storage space without necessitating the moving of more than one other vehicle.

(d) No person owning or being in charge or control of the space shall store or park, or cause or knowingly permit to be stored or parked, in the storage space, at any time, a number of vehicles exceeding the capacity of the storage space determined as hereinbefore provided.

(e) No automotive repairs of any kind shall be made in any basement or sub-basement garage. (Ord. 1969-5. Passed 2-10-69.)



## CHAPTER 1517 Explosives and Blasting

<b>1517.01</b>	<b>Definitions.</b>	<b>1517.07</b>	<b>Log required.</b>
<b>1517.02</b>	<b>Purpose and scope.</b>	<b>1517.08</b>	<b>Temporary permit application and issuance.</b>
<b>1517.03</b>	<b>Compliance; temporary permit; purpose and fee.</b>	<b>1517.09</b>	<b>Hours of blasting; exceptions.</b>
<b>1517.04</b>	<b>Permit and seismologist deposit fee required; notice of intention to blast.</b>	<b>1517.10</b>	<b>Prohibited locations.</b>
<b>1517.05</b>	<b>City Seismologist creation and duties.</b>	<b>1517.11</b>	<b>City Inspector; permit revocation.</b>
<b>1517.06</b>	<b>Allowable blasting limits; standards established.</b>	<b>1517.12</b>	<b>Insurance protection.</b>
		<b>1517.99</b>	<b>Penalty.</b>

### CROSS REFERENCES

State law provisions - see Ohio R.C. 2923.11, 2923.17 et seq.  
Ohio Fire Code provisions - see OAC 1301: 7-7-26

#### **1517.01 DEFINITIONS.**

As used in this chapter, certain terms are defined as follows:

- (a) "Explosive device" means any device designed or specifically adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation, any bomb, any explosive demolition device, any blasting cup or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.
- (b) "Dangerous ordnance" means any explosive device or nitroglycerin, nitrocellulose, nitrostarch, PETN, Cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentoline, pecretol, cyclotol, and their high explosive compositions; plastic explosives, dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid oxygen blasting explosives, blasting powder and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, landfills or demolition.  
(Ord. 1987-26. Passed 5-18-87.)

**1517.02 PURPOSE AND SCOPE.**

(a) It is the purpose of this chapter to provide minimum standards for safety to life, limb and property, for the general public welfare and for safe practices in the use of explosives or dangerous ordnance for blasting, mining and quarrying purposes in the construction industry and related operations including drilling and preparation for blasting.

(b) These rules and regulations shall apply to every construction project, including demolition, maintenance and repair work, where explosives are used for blasting purposes, mining, and quarrying, and landfills and compliance with the requirements herein contained shall be necessary on all such projects.

(Ord. 1987-26. Passed 5-18-87.)

**1517.03 COMPLIANCE; TEMPORARY PERMIT; PURPOSE AND FEE.**

(a) Every person using explosives within the corporate limits shall comply with the regulations herein established and in addition, with the provisions of both applicable State and Federal law, as well as the Fire Prevention Code of the National Fire Protection Association in the use of such explosives including their storage, transportation and safety practices. All such persons shall use every reasonable precaution to provide for the safety of all employees on the job and such other persons who may be regularly entitled to be upon or near the explosive or dangerous ordnance site, as well as to provide for the safety of the general public. Every employee shall observe the provisions hereof and no persons shall use explosives or dangerous ordnance for blasting purposes in a manner contrary to the provisions of this chapter.

(b) Upon application to the Fire Chief and upon payment of the fees specified in this section, a temporary permit shall be issued to qualified applicants to acquire, possess, carry or use an explosive device or dangerous ordnance, for the following purposes:

- (1) Contractors, wreckers, quarrymen, mine operators, landfill operators and other persons regularly employing explosives in the course of a legitimate business, with respect to explosives and explosive devices acquired, possessed, carried, or used in the course of such business;
- (2) Farmers, with respect to explosives and explosive devices acquired, possessed, carried, or used for agricultural purposes as defined in Ohio R.C. 3743.01;
- (3) Scientists, engineers and instructors, with respect to dangerous ordnance acquired, possessed, carried or used in the course of bona fide research or instruction;
- (4) Financial institution and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried or used by any person while acting within the scope of his duties;
- (5) In the discretion of the Fire Chief or any reasonable person, with respect to dangerous ordnance lawfully acquired, possessed, carried or used for a legitimate research, scientific, educational, industrial or other proper purpose;



- (6) Application for a license or temporary permit under this section shall be in writing under oath to the Fire Chief.

(c) The application fee for a one time temporary permit is twenty-five dollars (\$25.00). (Ord. 1987-26. Passed 5-18-87.)

**1517.04 PERMIT AND SEISMOLOGIST DEPOSIT FEE REQUIRED;  
NOTICE OF INTENTION TO BLAST.**

(a) No person, firm or corporation acting as a contractor or blaster shall use and detonate explosives unless he is in possession of a valid City of Brooklyn temporary permit to use explosives or dangerous ordnance for blasting purposes and unless the requirements of this chapter have been observed and every reasonable precaution, including compliance with Ohio Revised Code, is taken to prevent accidents, damage to property or unreasonable disturbance. The blaster, the owner, the lessee, a contractor and a subcontractor whose work involves the use of explosives or dangerous ordnance shall comply with all these rules and regulations and none shall be saved harmless herefrom because of the errors of the other.

(b) The City temporary permit shall be obtained from the Fire Chief and shall be issued at least forty-eight hours in advance of the commencement of blasting operations. In addition, a deposit fee at a per diem rate not to exceed four hundred and fifty dollars (\$450.00) shall be paid, per day, before issuance of the City temporary permit. Such deposit fee shall be used to pay for the services of the hereinafter appointed City Seismologist. Any part of such deposit fee unexpended in payments of services of such City Seismologist shall be refunded to the permittee. Prior to the issuance of any permit, the applicant shall file a "Notice of Intention to Blast" with the Fire Chief at least seven days prior to the commencement of such operations; however, no permit shall be issued at this time. (Ord. 1987-26. Passed 5-18-87.)

**1517.05 CITY SEISMOLOGIST CREATION AND DUTIES.**

(a) There hereby is established the Office of the City Seismologist, Dr. Edward J. Walter & Associates, Vibration Consultants, who shall be appointed by the Mayor.

(b) No person, firm or corporation shall detonate explosives within the corporate limits, without arranging and having present the City Seismologist or his authorized representative, at each and every blast to record the same as hereinafter more fully provided.

(c) The City Seismologist shall record the following data:

- (1) Identification of instrument used.
- (2) Name of observer.
- (3) Name of interpreter.
- (4) Distance of recording station from area of detonation.
- (5) Recording station or location in structure.
- (6) Maximum amplitudes for all components measured.
- (7) Frequency of ground motion in cycles per second, if applicable.
- (8) Maximum particle velocity for all components measured.
- (9) Maximum sound pressure level.

(d) Written notice of the exact time and place of the use of explosives shall be given to both the Fire Chief and City Seismologist at least forty-eight hours shall be required before such explosion shall be detonated. It shall be the duty of the City Seismologist to attend all such detonations on the date and at the time and place, when requested, if at all possible, and to notify the permittee of any alternative date and time in the event the same is necessary to be rescheduled. The City Seismologist shall issue written reports on each and every blasting event to the Fire Chief and to comment upon compliance with regulations and standards herein established. The City Seismologist shall have such other duties and responsibilities as shall be assigned to him by the Fire Chief and he shall be paid from the per diem deposit fee herein required. The Director of Finance is hereby authorized and directed to cause payment to be made to the City Seismologist from the deposits upon the presentation of invoices therefor, chargeable to the respective deposit to which the invoice is applicable and upon the approval of such invoices by the Fire Chief.

(e) Postponement of a blast for good cause, approved by the Fire Chief, shall not require an additional permit.  
(Ord. 1987-26. Passed 5-18-87.)

#### **1517.06 ALLOWABLE BLASTING LIMITS; STANDARDS ESTABLISHED.**

(a) Blasting operations shall be so conducted that ground vibrations measured at the nearest structure or building, neither quarry nor contractor owned or leased, except high-tension lines, supporting towers and appurtenances, do not exceed a peak particle velocity of two inches per second or its equivalent on any of the three mutually perpendicular planes of motion, i.e., vertical, longitudinal or transverse, and noise levels do not exceed a sound pressure level of 130 dB peak. No blasting operation shall be permitted adjacent to any structure which the Fire Chief or City Seismologist may deem hazardous.

- (1) A record of the seismic wave pattern shall be kept for a minimum of three years after project completion by the City Seismologist and the same shall be filed in the permanent records of this City.
- (2) No blasting shall be permitted unless the City Seismologist is present.
- (3) When the characteristics or environment of any specific blasting event have been determined to be extraordinarily hazardous by the City Seismologist and Fire Chief, additional safety precautions may be lawfully required.

(b) The permittee shall be advised of the nature of such extraordinary hazard and instructed as to what specific additional safety requirements are required.  
(Ord. 1987-26. Passed 5-18-87.)

#### **1517.07 LOG REQUIRED.**

(a) A record of each explosive event shall be kept by the contractor or blaster upon forms furnished by the City, a copy of which shall be filed with the Fire Chief, which shall include the following:

- (1) Name of company.
- (2) Blast location.

- (3) Date and time of blast.
- (4) Number of holes, diameter of holes, depth of holes, spacings and burdens, delay intervals, total weight of explosives, maximum weight of explosives fired per day.
- (5) Distance and direction to nearest structure neither owned or leased by person, firm or corporation conducting blastings, except high-tension lines, supporting towers and appurtenances.
- (6) Name and signature of firm or individual conducting blasting.
- (7) Weather conditions.

(b) Such log shall be filed with the Fire Chief or City Seismologist within twenty-four hours after each blasting event, or prior to next explosive event if same occurs prior to the expiration of twenty-four hours.

(Ord. 1987-26. Passed 5-18-87.)

#### **1517.08 TEMPORARY PERMIT APPLICATION AND ISSUANCE.**

(a) The application for a temporary permit shall contain the following information:

- (1) The name, age, address, occupation and business address of the applicant if he is a natural person, or the name, address, and principal place of business of the applicant, if the applicant is a corporation.
- (2) A description of the dangerous ordnance for which a permit is requested.
- (3) A description of the place or places where and the manner in which the dangerous ordnance is to be kept, carried, and used.
- (4) A statement of the purposes for which the dangerous ordnance is to be acquired, possessed, carried or used.
- (5) Such other information as the Fire Chief may require in giving effect to this chapter.

(b) Upon investigation, the Fire Chief shall issue a temporary permit only if all of the following apply:

- (1) The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance;
- (2) The applicant is age eighteen or over, if he is a natural person; and if the application is for explosives only;
- (3) It appears that the applicant has sufficient competence to safely acquire, possess, carry or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and insure the safety of persons and property;
- (4) It appears that the dangerous ordnance will be lawfully acquired, possessed, carried and used by the applicant for a legitimate purpose.

(Ord. 1987-26. Passed 5-18-87.)

**1517.09 HOURS OF BLASTING; EXCEPTIONS.**

No blasting operations shall be conducted within the corporate limits except on weekdays, which are not otherwise legal holidays or Sundays, and only then between the hours of 8:00 a.m. and 4:30 p.m., provided, however, that in the event of the City Seismologist and the Fire Chief agree that an emergency situation exists, such hours and times of blasting may be specifically varied to counteract such emergency.

(Ord. 1987-26. Passed 5-18-87.)

**1517.10 PROHIBITED LOCATIONS.**

No blasting operation shall be permitted within 150 feet of any dwelling, building, school, church, theater or any structure which the Fire Chief or City Seismologist may deem hazardous. No blasting operation shall be permitted near underground utility lines, nor water, gas, power, telephone or sewer lines.

(Ord. 1969-5. Passed 2-10-69.)

**1517.11 CITY INSPECTOR; PERMIT REVOCATION.**

(a) The Fire Chief shall supply an inspector who shall be a regularly appointed fireman in the Fire Division, who will supervise all drilling, charging and shooting of all holes, and who shall not be required by the contractor to work less than four hours in any one day. The contractor shall compensate the City at the rate as provided in Section 1501.11(d), for each hour charged under this section.

(b) The blasting permit may be revoked by the Fire Chief or by the City Fire Inspector on the job due to any violation or infraction of these blasting regulations or by obtaining a reading in the danger zone on the Carometer or Seismograph.

(Ord. 1969-5. Passed 2-10-69.)

**1517.12 INSURANCE PROTECTION.**

Any person, firm or corporation who desires to conduct blasting operations within the corporate limits shall post with the Fire Chief an effective certificate of public liability insurance with an accredited company authorized to do business in the State of Ohio in the amount of at least three hundred thousand dollars (\$300,000) for any incident and one hundred thousand dollars (\$100,000) for any individual which policy shall protect such person, firm or corporation, the City of Brooklyn, its inhabitants, and the general public from any and all claims, damages, demands, arising from the conducting of each blasting operation. Such certificate shall be in effect during all blasting operations and shall be approved in form by the Director of Law.

(Ord. 1987-26. Passed 5-18-87.)

**1517.99 PENALTY.**

Whoever violates any provision of this chapter regulating blasting upon conviction thereof shall be deemed guilty of a misdemeanor of the first degree for each offense. Each separate violation shall be deemed to constitute a separate offense. In the event any permittee or licensee exceeds the safety standards as herein established on more than three separate occasions, as reported by the City Seismologist, the Fire Chief shall have the authority to refuse to issue any further permits to such permittee or licensee any subsequent time and to pursue such authority with injunctive remedies if necessary.

(Ord. 1987-26. Passed 5-18-87.)

## CHAPTER 1519 Fireworks

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| <b>1519.01 Definitions.</b><br><b>1519.02 Public exhibition permit required; fee; bond; records.</b><br><b>1519.03 Unlawful conduct by exhibitor.</b> | <b>1519.04 Possession, sale or discharge prohibited; exceptions.</b><br><b>1519.05 Application.</b><br><b>1519.99 Penalty.</b> |
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### CROSS REFERENCES

Manufacturers to comply with building and zoning ordinances - see Ohio R.C. 3743.06(F)  
 Wholesalers to comply with building and zoning ordinances - see Ohio R.C. 3743.19(G)  
 Arrests, seizure of fireworks by certified fire safety inspector - see Ohio R.C. 3743.68  
 Conflict of Fire Marshal's rules with rules of Ohio Board of Building Standards - see Ohio R.C. 3781.11(D)

### **1519.01 DEFINITIONS.**

As used in this chapter:

- (a) "Beer" and "intoxicating liquor" have the same meanings as in Ohio R.C. 4301.01.
- (b) "Booby trap" means a small tube that has a string protruding from both ends, that has a friction-sensitive composition and that is ignited by pulling the ends of the string.
- (c) "Cigarette load" means a small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.
- (d) (1) A1.3 G fireworks@ means display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation ADivision 1.3" in Title 49, Code of Federal Regulations.
- (2) A1.4 G fireworks@ means consumer fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation ADivision 1.4" in Title 49, Code of Federal Regulations.
- (e) "Controlled substance" has the same meaning as in Ohio R.C. 3719.01.

- (f) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, except ordinary matches and except as provided in Section 1519.05.
- (g) "Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed pursuant to Ohio R.C. 3743.50 to 3743.55.
- (h) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to Ohio R.C. 3743.02 to 3743.08.
- (i) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to Ohio R.C. 3743.15 to 3743.21.
- (j) "Novelties and trick noisemakers" include the following items:
  - (1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers and snappers;
  - (2) Snakes or glow worms;
  - (3) Smoke devices;
  - (4) Trick matches.
- (k) "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling string protruding from the item, and from which paper streamers are expelled when the item is ignited.
- (l) "Railroad" means any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs and sidings installed and primarily used in serving a mine, quarry or plant.
- (m) "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.
- (n) "Snake or glow worm" means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.
- (o) "Snapper" means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.
- (p) "Trick match" means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.
- (q) A Wire sparkler@ means a sparkler consisting of a wire or stick coated with a non-explosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than one hundred grams of this mixture. (ORC 3743.01)

**1519.02 PUBLIC EXHIBITION PERMIT REQUIRED; FEE; BOND; RECORDS.**

(a) A licensed exhibitor of fireworks who wishes to conduct a public fireworks exhibition within the Municipality shall apply for approval to conduct the exhibition to the Fire Chief and from the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

The required approval shall be evidenced by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer, signing a permit for the exhibition, the form for which shall be prescribed by the State Fire Marshal. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the Fire Marshal or, if it is available, from the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

(b) Before a permit is signed and issued to a licensed exhibitor of fireworks, the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall inspect the premises on which the exhibition will take place and shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show the applicant's license as an exhibitor of fireworks to the Fire Chief or Fire Prevention Officer.

The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall give approval to conduct a public fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke the permit for noncompliance with the rules.

(c) The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the applicant pays a permit fee of twenty-five dollars (\$25.00) plus any necessary costs of investigation of the applicant and of inspecting the premises on which the exhibition will be conducted.

Each exhibitor shall provide an indemnity bond in the amount of at least one million dollars (\$1,000,000), with surety satisfactory to the Fire Chief or Fire Prevention Officer and to Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death or loss to persons or property emanating from the fireworks exhibition, or proof of insurance coverage of at least one million dollars (\$1,000,000) for liability arising from injury, death or loss to persons or property emanating from the fireworks exhibition. The Legislative Authority may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this subsection. The Fire Chief or Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this subsection.

- (d) (1) Each permit for a fireworks exhibition issued by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall contain a distinct number, designate the Municipality, and identify the certified Fire Safety Inspector, Fire Chief or Fire Prevention Officer who will be present before, during, and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, issuing it to the Fire Marshal, who shall keep a record of the permits received. A permit is not transferable or assignable.

- (2) The Fire Chief, Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall keep a record of issued permits for fireworks exhibitions. In this list, the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall list the name of the exhibitor, the exhibitor's license number, the premises on which the exhibition will be conducted, the date and time of the exhibition and the number of the permit issued to the exhibitor for the exhibition.

(e) The governing authority having jurisdiction in the location where an exhibition is to take place shall require that a certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer be present before, during, and after the exhibition, and shall require the certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer to inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this chapter and Ohio R.C. Chapter 3743. (ORC 3743.54)

#### **1519.03 UNLAWFUL CONDUCT BY EXHIBITOR.**

(a) No licensed exhibitor of fireworks shall fail to comply with the applicable requirements of the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) or to comply with Divisions (C) and (D) of that section.

(b) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to Section 1519.02 or if a permit so secured is revoked by the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement official or a designee of such Police Chief or other similar law enforcement official pursuant to that section.

(c) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with Ohio R.C. 3743.54 and 3743.55.

(d) No licensed exhibitor of fireworks or other person associated with the conduct of a fireworks exhibition shall have possession or control of, or be under the influence of, any intoxicating liquor, beer or controlled substance while on the premises on which the exhibition is being conducted.

(e) No licensed exhibitor of fireworks shall permit an employee to assist the licensed exhibitor in conducting fireworks exhibitions unless the employee is registered with the Fire Marshal under Ohio R.C. 3743.56. (ORC 3743.64)

#### **1519.04 POSSESSION, SALE OR DISCHARGE PROHIBITED; EXCEPTIONS.**

(a) No person shall possess fireworks in this Municipality or shall possess for sale or sell fireworks in this Municipality, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 3743.21, a shipping permit holder as authorized by Ohio R.C. 3743.40, an out-of-state resident as authorized by Ohio R.C. 3743.44, a resident of this State as authorized by Ohio R.C. 3743.45, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55 and Section 1519.02 and except as provided in Section 1519.05.



(b) Except as provided in Section 1519.05 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 and Section 1519.02, no person shall discharge, ignite or explode any fireworks in this Municipality.

(c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(d) No person shall sell fireworks of any kind to a person under eighteen years of age.

(e) No person shall advertise 1.4 G fireworks for sale. A sign located on a seller's premises identifying the seller as a seller of fireworks is not the advertising of fireworks for sale.

(f) No person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.  
(ORC 3743.65)

**1519.05 APPLICATION.**

This chapter does not prohibit or apply to the following:

- (a) The manufacture, sale, possession, transportation, storage or use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation or highway use;
- (b) The manufacture, sale, possession, transportation, storage or use of fusees, torpedoes or other signals necessary for the safe operation of railroads;
- (c) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;
- (d) The manufacture for, the transportation, storage, possession or use by, or sale to the Armed Forces of the United States and the militia of this State of pyrotechnic devices;
- (e) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;
- (f) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;
- (g) The manufacture, sale, possession, transportation, storage or use of wire sparklers.
- (h) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges, provided that the exhibition complies with all of following:
  - (1) No explosive aerial display is conducted in the exhibition;
  - (2) The exhibition is separated from spectators by not less than two hundred feet;

- (3) The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition.  
(ORC 3743.80)

**1519.99 PENALTY.**

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree for a first offense and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. (ORC 3743.99(C))

**CHAPTER 1521**  
**Flammable and Combustible Liquids**

<b>1521.01</b>	<b>Storage containers.</b>	<b>1521.04</b>	<b>Outside aboveground tanks prohibited.</b>
<b>1521.02</b>	<b>Testing of underground tanks.</b>	<b>1521.05</b>	<b>Location and capacity of underground tanks.</b>
<b>1521.03</b>	<b>Filling and discharging tank vehicles.</b>		

**CROSS REFERENCES**  
Ohio Fire Code provisions - see OAC 1301: 7-7-28

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**1521.01 STORAGE CONTAINERS.**

(a) Each cylinder or pressure vessel shall be designed, constructed, tested, maintained and marked with the name of the gas contained so as to be reasonably safe to persons and property. Evidence that each cylinder or pressure vessel has been designed, constructed, tested, maintained and marked with the name of the gas contained in accordance with the applicable standards specified in the National Fire Codes of the National Fire Protection Association which shall be evidence that such cylinder or pressure vessel is reasonably safe to persons and property.

(b) All high pressure gas cylinders stored inside of buildings shall be kept in an upright position secured to the wall.

(c) All exposed valves shall be provided with protective caps and shall be kept in a secured position on all cylinders not in actual use.  
(Ord. 1969-5. Passed 2-10-69.)

**1521.02 TESTING OF UNDERGROUND TANKS.**

Every underground storage tank, within the City and being used for the storage of flammable and combustible liquids, shall be hydrostatically tested with circulation every three years for absence of leaks. Air testing of tanks with product inside is prohibited. The piping systems shall be air tested to withstand at least one hundred fifty percent (150%) of its anticipated pressures or 100 pounds psi, whichever is greater. If such testing reveals

that any leaking conditions exist, the permit shall be revoked, and the Fire Chief shall order the owner or operator not to use such tanks or piping until the leaking condition is corrected. In the case where a dual occupancy may exist and there exists a leaking condition, all occupancies on the property shall cease operations until the conditions are corrected and tested. A statement of the test's validity shall be received by the Fire Division before reoccupancy by businesses. No hazardous or dangerous condition to persons or property shall exist.  
(Ord. 1982-10. Passed 3-8-82.)

**1521.03 FILLING AND DISCHARGING TANK VEHICLES.**

Storage tanks shall be filled during daylight hours. During the filling operation, metallic contact shall be maintained between the fill pipe and tank truck. During actual discharge of liquid, a responsible person shall be present at the vehicle.  
(Ord. 1965-2. Passed 1-11-65.)

**1521.04 OUTSIDE ABOVEGROUND TANKS PROHIBITED.**

The installation of outside aboveground tanks is prohibited, and the storage of more than ten gallons of Class I flammables is prohibited in all districts of the City of Brooklyn.  
(Ord. 1969-5. Passed 2-10-69.)

**1521.05 LOCATION AND CAPACITY OF UNDERGROUND TANKS.**

(a) Excavation of underground storage tanks shall be made with due care to avoid undermining of foundations of existing structures. Underground tanks shall be so located with respect to existing building foundations and supports that the loads carried by the latter cannot be transmitted to the tank.

(b) The distance from any part of a tank storing Class I liquids to the nearest property line, building wall, basement or pit, shall be not less than twenty feet. The distance from any part of a tank storing Class II or III liquids to the nearest wall, basement, pit or property line, shall not be less than ten feet.

(c) The maximum capacity of any individual tank shall be 10,000 gallons.  
(Ord. 1969-5. Passed 2-10-69.)

**CHAPTER 1523**  
**Liquefied Petroleum Gases**

**1523.01 Aboveground tanks prohibited;  
container usage.**

**1523.02 Permit required; storage  
conditions.**

**CROSS REFERENCES**  
Ohio Fire Code provisions - see OAC 1301:7-7-30

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**1523.01 ABOVEGROUND TANKS PROHIBITED; CONTAINER USAGE.**

(a) The construction, installation, use, re-use or placing of aboveground liquid petroleum gas storage tanks of a water capacity greater than forty-eight pounds for the use of gas is prohibited within the City and all such liquid petroleum gas storage tanks, irrespective of size or volume, shall be installed below ground in accordance to the plans, specifications, regulations and restrictions of the National Fire Protection Association Pamphlet 58, which is incorporated herein as if fully rewritten herein.

(b) The charging of portable or semiportable liquid petroleum gas containers is prohibited within the City. Whenever liquid petroleum gas containers are replaced by charged containers, the empty containers shall be immediately removed from the premises and no empty containers shall be permitted to be stored or placed on any premises, except at approved sites.

(c) Whoever violates the provisions of this section shall be guilty of a first degree misdemeanor. (Ord. 1996-45. Passed 6-24-96.)

**1523.02 PERMIT REQUIRED; STORAGE CONDITIONS.**

(a) A permit shall be obtained for the storage and use of any cylinders containing liquefied petroleum (L-P) gas which has a water capacity greater than 48 pounds.

(b) A permit shall be obtained on all cylinders containing liquefied petroleum gas whenever such cylinders are used or stored inside of any building, garage or structure, regardless of the water capacity, except:

- (1) If temporarily used for demonstration purposes and the container has a maximum water capacity of 12 pounds, or
  - (2) If used within a completely self-contained gas hand torch or similar equipment, and the container has a maximum water capacity of 2-1/2 pounds.
- (c) A permit shall be obtained for the storage and sale of portable containers, of 48 pounds water capacity or less, at outdoor sites.
- (d) The maximum storage of cylinders containing liquefied petroleum gas with a water capacity greater than 20 pounds for use with an on-site appliance, shall be limited as follows:
  - (1) One or two cylinders connected directly to an appliance per specifications of the National Fire Protection Association Pamphlet 58, may be stored inside of a building, garage or structure;
  - (2) Stored cylinders not connected directly to an appliance per specifications of the National Fire Protection Association Pamphlet 58, shall be kept securely supported in their proper position outside of any building, garage or structure and shall be no greater in size or number than the cylinders connected directly to the appliance.
- (e) Suitable approved fire extinguisher or equipment shall be provided at all locations where liquefied petroleum gases are stored, used or transported, and types shall be specified by the Fire Division.
- (f) Liquefied petroleum gas shall not be sold or dispensed as motor fuel within the City.
- (g) All liquefied petroleum gases shall be effectively odorized by an approved agent of such character as to indicate positively the presence of gas down to concentrations in air not over one-fifth the lower limits of combustibility.
- (h) Storage or servicing of vehicles using or carrying liquefied petroleum gas, shall not be parked, stored or serviced within any building except by permit.
- (i) The provisions of this section are applicable to the storage of portable containers of 48 pounds water capacity, or less, whether filled, partially filled or empty as follows:
  - (1) At consumer sites, but not connected for use.
  - (2) In storage for resale by dealer or reseller.
    - A. Containers in storage shall be located to minimize exposure to excessive temperature rise, physical damage or tampering.
    - B. Containers in storage having individual water capacity greater than 2-1/2 pounds shall be positioned such that the pressure relief valve is in direct communication with vapor space of the container.

- C. Containers will be stored outside of buildings in the open air and shall not be located near exits, stairways, or near areas normally used, or intended to be used, for the safe egress of people.
- D. Containers awaiting use or resale, shall be located at least 20 feet from any doorway in a building frequented by the public.
- E. Containers at a location open to the public shall be protected by:
  - 1. A lockable ventilated metal locker or rack that prevents tampering with valves and pilferage of the cylinder.
  - 2. Sufficient metal posts (min. 5") filled with concrete and spaced to that direct impact from vehicular traffic is prevented and other additional impact protection as determined by the Chief of the Division of Fire.
- F. When the provisions of this section are impractical, the storage of containers shall be in a manner acceptable to the Chief of the Division of Fire.
- G. Storage locations shall be provided with at least one approved portable fire extinguisher having a minimum capacity of 20# dry chemical with a B:C rating.
- H. Individual containers shall not exceed 48 pounds water capacity.
- I. A single site metal locker or rack shall not exceed 36 individual containers of 48 pounds water capacity or less.
- J. All sites approved by the Chief of the Division of Fire shall have 24-hour supervision, either by trained retail or security personnel.
- K. All retail or security personnel shall be trained in the handling of L-P containers and operation of portable fire extinguishers by the L-P supplier.
- L. Documentation of training of personnel shall be produced upon request of the Fire Prevention Bureau.  
(Ord. 1996-50. Passed 9-9-96.)





**CHAPTER 1525**  
**Environmental Cost Recovery**

<b>1525.01</b>	<b>Definitions.</b>	<b>1525.04</b>	<b>Services of other governmental</b>
<b>1525.02</b>	<b>Purpose and scope.</b>		<b>bodies or parties.</b>
<b>1525.03</b>	<b>Liability.</b>	<b>1525.05</b>	<b>Procedure.</b>

**1525.01 DEFINITIONS.**

As used in this chapter:

- (a) ACommon carrier by motor vehicle@ has the same meaning as in Ohio R.C. 4919.75(E) or 4912.02(A), as appropriate.
- (b) AContract carrier by motor vehicle@ has the same meaning as in Ohio R.C. 4919.75(F) or 4923.02(A), as appropriate.
- (c) ACosts@ shall include, but not be limited to, all direct and incidental costs, including personnel costs, incurred by or on behalf of the City in connection with the investigation, mitigation, minimization, removal or abatement of an unauthorized spill, release or discharge, in the following respects:
  - (1) Operating any vehicle, apparatus or equipment used in connection with any such incident;
  - (2) Sanitizing, cleaning and/or repairing any vehicle, apparatus, equipment or apparel used in connection with any such incident;
  - (3) Testing any spilled, released or discharged material, or any vehicle, apparatus, equipment or apparel used in connection with any such incident;
  - (4) Storing any spilled, released or discharged material;
  - (5) Disposing of any spilled, released or discharged material, or any vehicle, apparatus, equipment, apparel or goods rendered unusable as a result of any such incident;
  - (6) Replacing any vehicle, apparatus, equipment, apparel or goods lost or rendered unusable as a result of any such incident; and
  - (7) Any costs incurred by any private party or government body, or subdivision thereof, whose assistance is requested by the City in the event of an unauthorized spill, release or discharge, and who submits a written invoice to the City setting forth its costs incurred in responding to the incident.

- (d) AMaterial@ has the same meaning as in Ohio R.C. 3745.13, and any regulations promulgated or matters decided thereunder, as appropriate.
- (e) AMotor vehicle@ means any automobile, truck, tractor, trailer, semitrailer, motorbus, or any other self-propelled vehicle not operated or driven on fixed tracks.
- (f) APrivate motor carrier@ has the same meaning as in Ohio R.C. 4923.02.
- (g) ARailroad@ has the same meaning as in Ohio R.C. 4907.02.
- (h) AUnauthorized spill, release or discharge@ has the same meaning as in Ohio R.C. Chapter 3745, any regulations promulgated or matters decided thereunder, and shall include, but not be limited to, any spilling, leaking, pumping, pouring, emitting, emptying, discharging, releasing, injecting, escaping, leaching, dumping or disposing of any material, into or upon the environment which may endanger the public health or safety or the environment. The term does not include any spill, release or discharge that is in compliance with Ohio R.C. Chapter 1509, 3704, 3734 and 6111 and rules adopted thereunder, or the terms and conditions of a current and valid permit or license.  
(Ord. 1990-31. Passed 5-29-90.)

#### **1525.02 PURPOSE AND SCOPE.**

The purpose of this chapter is to provide for compensation to the City of costs incurred in investigating, mitigating, minimizing, removing or abating unauthorized spills, releases or discharges of materials into or upon the environment within the territorial jurisdiction or responsibility of the City of Brooklyn and which spills, releases or discharges require emergency action to protect the public health or safety or the environment.  
(Ord. 1990-31. Passed 5-29-90.)

#### **1525.03 LIABILITY.**

(a) Any person or corporation responsible for causing or allowing an unauthorized spill, release or discharge of material into or upon the environment is liable to the City for disaster services rendered and all incidental and related costs. The costs shall be paid by the person or entity responsible for causing or allowing the unauthorized spill, release or discharge of materials into or upon the environment that requires emergency action to protect the public health or safety or the environment.

(b) If an unauthorized spill, release or discharge occurs from a motor vehicle or train being operated by, or on behalf of, a common carrier by motor vehicle, contract carrier by motor vehicle, private motor carrier, or railroad, a claim or civil action shall be submitted to or brought against, as appropriate, and the costs of the emergency action shall be recovered from, the motor carrier or railroad regardless of whether the motor carrier or railroad was responsible for causing or allowing the unauthorized spill, release or discharge to occur.

(c) Costs recoverable under this chapter shall accrue commencing with the first notification to the City of an incident involving, or which may involve, or subsequently proves to involve an unauthorized spill, release or discharge.  
(Ord. 1990-31. Passed 5-29-90.)

**1525.04 SERVICES OF OTHER GOVERNMENTAL BODIES OR PARTIES.**

(a) The Fire Chief, or his designated officers, shall have the authority to request the assistance of any other governmental body, or agency or division thereof, in the event of an unauthorized spill, release or discharge at the location within the territorial jurisdiction or responsibility of the City.

(b) The Fire Chief, or his designated officer, shall have the authority to request the assistance of any expert, consultant or contractor in the event of an unauthorized spill, release or discharge at a location within the territorial jurisdiction or responsibility of the City.  
(Ord. 1990-31. Passed 5-29-90.)

**1525.05 PROCEDURE.**

(a) The Fire Chief, or his designated representative, shall keep a record of the City=s costs for investigating, mitigating, minimizing, removing or abating the unauthorized spill, release or discharge, including any incidental costs. A Schedule of Charges used to determine such costs shall be kept on file in the Fire Department and made available for inspection by the public during normal working hours. The Schedule shall be revised, as necessary, to reflect increases and decreases in the value of the items listed.

(b) Not less than thirty days before bringing civil action for the recovery of costs pursuant to this section and Ohio R.C. 3745.13, the Law Director shall submit to the responsible party a written itemized claim for the total certified costs incurred by the City and a written notice that, unless the amount is paid to the City within thirty days after the date of mailing of the claim and notice, the Law Director shall bring a civil action for that amount.  
(Ord. 1990-31. Passed 5-29-90.)